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Senate

The Senate met at 10 a.m. and was called to order by the Honorable CINDY HYDE-SMITH, a Senator from the State of Mississippi.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, You know all about us. You know when we sit down and when we rise up. Forgive us when we fail to acknowledge Your sovereignty over our lives or to trust the unfolding of Your loving providence. Thank you for the gift of freedom to choose. Help us to use Your admonition as a lamp for our feet and a light for our path.

Guide our lawmakers. Bring their hearts under Your control as You infuse them with a deeper love for You and humanity. May they seek to cause justice to roll down like waters and righteousness like a mighty stream.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. GRASSLEY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 9, 2019.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CINDY HYDE-SMITH, a Senator from the State of Mississippi, to perform the duties of the Chair.

CHUCK GRASSLEY,
President pro tempore.

Mrs. HYDE-SMITH thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Daniel Desmond Domenico, of Colorado, to be United States District Judge for the District of Colorado.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

NOMINATIONS

Mr. MCCONNELL. Later today, the Senate will vote to advance the nomination of Daniel Domenico to serve as U.S. District Judge for the District of Colorado.

After we vote on his confirmation, we will do the same for Patrick Wyrick, nominated to a vacancy in the Western District of Oklahoma.

Mr. Wyrick is a two-time graduate of the University of Oklahoma and held a clerkship in the Eastern District of Oklahoma at the outset of his legal career. That career included time in private practice, as the State's Solicitor General and, most recently, as Associate Justice of the Oklahoma Supreme Court.

I am sorry to say that this week will mark 1 year since Mr. Wyrick's nomination was first received in the Senate. I hope each of my colleagues will join me in long-overdue support for its prompt consideration on the floor.

Over the course of the week, as I have outlined, we will consider four other well-qualified nominees who have been waiting on the Executive Calendar for far too long. We will build on the action taken last week to restore some reason and sanity to the nominations process, which has suffered in recent years under the burden of partisan obstruction.

Before the week is through, we will also turn to the nomination of David Bernhardt to lead the Department of the Interior. The Senate has confirmed Mr. Bernhardt twice before to serve that Department as Deputy Secretary and as Solicitor. When you hear the nominee and review his credentials, it is easy to see why. Mr. Bernhardt has significant private practice experience, as well as a past record of service at the Department.

Along the way he has earned the respect of those who rely on the public lands the Department of the Interior is charged to oversee, from Native American leaders to sportsmen's groups. He has been praised as a ''proven leader'' who ''act[s] with integrity'' and has ''the right approach and skill set.''

I hope each of my colleagues will join me in voting to confirm him later this week.

MEDICARE

Madam President, on a completely different matter, we are continuing to watch as our friends across the aisle take big steps in their party's continued march toward the far, far left. As I

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

understand, they will soon introduce the Senate version of the radical healthcare proposal that I have come to call Medicare for None.

It is only the latest installment in the steady drumbeat of calls for socialist central planning that we have been hearing from our Democratic colleagues as of late.

Earlier this year, we saw the Speaker of the House declare her top priority as the Democrat politician protection act, an effort to literally rewrite the rules of free speech in American elections and give political campaigns a big dose of taxpayer dollars, all so the outcome of the political process could be more to the Democrats' liking.

We have seen all but a tiny handful of our Democratic colleagues unable to reject an absurdly intrusive and mind-bogglingly expensive plan to forcibly remodel the U.S. economy and American families' lives until they are sufficiently ''green.''

Now, perhaps as soon as this week, the latest new scheme will make landfall in the Senate. I am sure it will grab a new round of headlines, but under the Cadillac hood, it will offer only the same old push mower engine, the same tired, debunked logic that Washington knows best and the American people can't be trusted to decide what is best for themselves and their families.

That tired, old engine cannot power the kind of healthcare that Americans deserve. The legislation my colleagues want to brand as Medicare for All hollows out the actual Medicare Program that our seniors rely on until the only thing left is the label. Then it takes that label and slaps it on a brandnew, untested, government-run plan that every single American would be forced into—forced into—whether they like it or not. In fact, competing private insurance policies, such as the ones that 180 million Americans currently use, would be banned outright—gone.

For the privilege of having their existing Medicare or existing employer-provided plans ripped away from them by the same old Washington experts who brought us ObamaCare with sky-high premiums and deductibles, out-of-pocket costs, and dysfunction—for that privilege the American people would have to pick up a historic $32 trillion tab. That is just the rough estimate for the first 10 years—$32 trillion over 10 years. That is more than the Federal Government has spent on everything—everything—over the past 8 years combined. It is so much that even senior Democrats aren't claiming to know how it will be paid for. That price is so steep that even left-leaning analysts are admitting that the tax burden is virtually certain to land on the shoulders of the middle class.

Here is the Washington Post, verbatim: ''Medicare-for-all in particular would require tax hikes on middle class families.''

To give you a sense of scale for this nightmare, one think tank has calculated that ''doubling all Federal individual and corporate income taxes''—doubling them—''would be insufficient to fully finance the plan.''

Doubling all of the corporate and individual income taxes would be insufficient to fully finance the plan. Doubling what Americans send to the IRS in income taxes would take away all of the competition and choice in the health insurance market. The failures and foibles of ObamaCare, as painful as they are for so many families, would likely be just the warmup act to this socialist bonanza.

Apparently this is what my Democratic colleagues believe will pass for a political winner. We are looking forward to that debate.

I will give them this: With Republicans standing for preserving what works and fixing what doesn't, for reducing tax rates instead of shooting them sky-high, and for strengthening the employer-sponsored and Medicare Advantage plans that American families actually rely on instead of snatching those plans away, my Democratic friends are certainly working hard to paint a contrast—and we welcome it.

S. 1057

Madam President, on one final matter, even as the Senate grapples with these kinds of major disagreements, I want to highlight that there were still bipartisan accomplishments constantly coming out of this Chamber. They don't always make national front-page news, but they often represent hugely significant progress for the American people.

Just yesterday afternoon, the Senate passed legislation from Senator MARTHA MCSALLY to formalize a landmark drought contingency plan for the Colorado River Basin. Our Senate colleagues from the West have been working with State and local leaders literally for years to develop this bipartisan, bicameral solution. Seven States, countless local and Tribal authorities, and both the United States and Mexico have skin in this game, so hammering out this coordinated plan was no small feat.

Now that this agreement will be codified in Federal law, tens of millions of Americans will be able to rest easier, knowing that their supply of drinking water and irrigation will be better protected from water shortages.

I want to congratulate all of our colleagues who worked hard to make this happen, particularly Senator MCSALLY and Senator GARDNER, who have been strong voices for this agreement and the people of Arizona and Colorado. I look forward to the President signing this into law in the very near future.

COLORADO RIVER DROUGHT CONTINGENCY PLAN AUTHORIZATION ACT

The ACTING PRESIDENT pro tempore. Under the order of April 8, 2019, the Senate, having received from the House H.R. 2030 and the text being identical to S. 1057, the bill is considered read three times and passed, and the motion to reconsider is considered made and laid upon the table.

The bill (H.R. 2030) was ordered to a third reading, was read the third time, and passed.

Mr. MCCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

H.R. 1602

Mr. THUNE. Madam President, there is one thing pretty much every American can agree on. It is that illegal robocalls are a major nuisance. Who hasn't been annoyed after answering the phone and discovering it is an automated message asking you to purchase some product or provide sensitive personal information?

But, of course, these calls aren't merely a nuisance. Scammers use these calls to successfully prey on vulnerable populations, like the elderly, who may be less technologically savvy. It is no surprise that people are deceived. I think most of us have received robocalls that sounded pretty credible, and the practice of spoofing numbers adds another layer of deception. Scammers can disguise the actual number they are calling from so the call looks like it is coming from a legitimate number. You may recognize the number calling you as a trustworthy local number, but the actual call may be from a scam artist.

I remember an article from my home State a couple of years ago that reported that scammers had successfully spoofed the number of the Watertown Police Department. So to anyone who received that call, it looked as if it was really the Watertown Police Department calling.

If the source looks credible and the call sounds credible, it can be difficult not to believe it, which is why people fall prey to robocall scam artists every single day, sometimes with devastating consequences.

Scammers' goal is to steal the kind of personal information that can be used to steal your money and your identity. When scammers are successful, they can destroy people's lives.

There are laws and fines in place right now to prevent scam artists from preying on people through the telephone, but unfortunately, these measures have been insufficient. Almost a year ago today, when I was chairman of the Commerce Committee, I subpoenaed Adrian Abramovich, a notorious mass robocaller, to testify before the committee. His testimony made it clear that current fines are insufficient to discourage robocallers. Robocallers just figure that those fines are part of the cost of doing business.

In addition, the Federal Communications Commission's anti-robocall enforcement efforts are currently hampered by a tight time window for pursuing violations. To address these problems, at the end of last year I introduced the Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, or the TRACED Act.

Last week, my bipartisan legislation passed the Commerce Committee by unanimous vote. The TRACED Act provides tools to discourage illegal robocalls, protect consumers, and crack down on offenders. It expands the window in which the FCC can pursue intentional scammers from 1 year to 3 years, and in years 2 and 3, it increases the financial penalty for those individuals making robocalls from zero dollars to $10,000 per call to make it more difficult for robocallers to figure fines into their cost of doing business.

It also requires telephone service providers to adopt new call verification technologies that would help to prevent illegal robocalls from reaching consumers. Importantly, it convenes a working group with representatives from the Department of Justice, the FCC, the Federal Trade Commission, the Consumer Financial Protection Bureau, State attorneys general, and others to identify ways to criminally prosecute illegal robocalling.

Criminal prosecution of illegal robocalling can be challenging. Scammers are frequently based abroad and can quickly shut down shop before authorities can get to them, but I believe we need to find ways to hold scammers criminally accountable. There are few things more despicable than preying on and exploiting the vulnerable, and scammers should face criminal prosecution for the damage that they do.

I am very pleased that the TRACED Act has now moved to the full Senate for consideration. I am grateful to Senator MARKEY for partnering with me on this legislation, and I am pleased that this bipartisan bill has been embraced by all 50 attorneys general, by the Commissioners at the Federal Trade Commission and the Federal Communications Commission, and by major industry associations and leading consumer groups.

Later this week, I will hold a hearing on the Commerce Committee Subcommittee on Communications, Technology, Innovation, and the Internet, which I chair, to further examine the problem of illegal robocalling. I will work to get the TRACED Act to the President's desk as soon as possible.

This legislation will not prevent all illegal robocalling, but it is a big step in the right direction. I look forward to helping consumers by enacting the TRACED Act's protections as soon as possible.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

TRUMP ADMINISTRATION

Mr. SCHUMER. Madam President, the watchword in the executive branch today is ''chaos.'' This chaos stems from one source and one source only—President Donald Trump and his extreme agenda—and America is paying the price.

Everyone agrees there are issues at the border, but if you are the President and if you are in charge of our national security, you don't tweet your way into a strategy; you don't keep changing policies; and you don't keep switching personnel if you want to make progress on the most challenging issue that is facing our country.

Every day, we hear this is the President's new policy, and 2 days later, we hear it is not happening. People are being fired because they tell the President, according to news reports, that he can't break the law when he wants to do something. You cannot keep changing personnel, changing strategy, and tweeting your way through a problem as serious as this. That is why there is chaos when it comes to border issues—all created by the President and his whimsical, erratic, and oftentimes nasty pursuit of policy.

Even the Republicans are worried sick about the chaos President Trump has created over the week. My friend JOHN CORNYN says this is all a giant ''mess''—his words. Well, my friend from Texas is correct. Yet this dysfunction is not confined to a few Agencies; this chaos is throughout the executive branch because Donald Trump has the same kind of switching of personnel, changing of policies, and trying to tweet his way through a problem in other areas as he does with regard to the border.

Let me remind my colleagues that the Secretary of Health and Human Services, the Interior Secretary, and the EPA Administrator each resigned amid scandal. The Trump administration has not yet nominated anyone for probably the most important Cabinet position, the Secretary of Defense, since Secretary Mattis's departure, and when he departed, Secretary Mattis had a scathing rebuke of President Trump's policies.

Look at the chaos at the State Department, where the damage extends way beyond America's borders. Because of incompetence and inaction, there are no nominees to more than 30 vacant key positions at State, including Under Secretary of State for Public Diplomacy and Special Envoy for North Korean Human Rights. There are no nominees to be our Ambassador to Pakistan or Egypt and none for Qatar or Thailand.

This is not the Senate blocking nominees as much as the President likes to blame somebody else for his problems; this is the President's own administration that has failed to nominate people for such important positions, and many of these positions have been long vacant. The areas we mentioned are ever important in our changing world, and this administration is simply failing to nominate anyone.

We should be projecting stability and continuity through our State Department. Instead, it has been battered and belittled by its own administration to the point at which both sides in Congress have spoken out. Just yesterday, we learned the administration is pushing out the head of the Secret Service amid a new scandal surrounding a security breach at Mar-a-Lago, the so-called winter White House. Now joining the others who are gone—fired by Twitter or whatever—is the head of the Secret Service. All of this chaos has one source and one source only—the President of the United States and his erratic, vacillating attitudes toward policy and personnel.

Across a broad spectrum of issues, his policies are so extreme that even good-faith nominees eventually face a choice—leave the administration or be consumed by the quicksand of the Trump swamp.

I hope the President or some of the people around him will realize that his administration is far from a fine-tuned machine; it is a slow-motion disaster that the American people see in action every day.

WOMEN'S HEALTH

Madam President, on women's health, the Senate Judiciary Committee will hold a hearing today on a sham bill that would further restrict women's access to care.

Every woman and every family in America should shudder at the Republicans' campaign to take away the rights of women to make decisions about their own health just to satisfy a hard-right, radical agenda that the vast majority of Americans completely disagrees with.

This bill would unduly restrict women's rights to make their own health decisions. Dr. Jennifer Conti, who is a clinical assistant professor of OB/GYN at Stanford, described the 20-week mark set by the bill as ''just an arbitrary limit set in place by politicians that has no medical or scientific backing.'' Let me repeat—''an arbitrary limit set in place by politicians''—politicians making decisions about women's health. That is what is wrong here.

What is more, a 20-week ban is, arguably, unconstitutional. Just 2 weeks ago, a Federal judge in North Carolina ruled it was. We know the 20-week ban is just a start among those who want to take away women's rights. They will try to go for a 10-week ban, then a 6-week ban. It is all part of a radical, relentless effort to completely and unequivocally strip women of their right

to make their own healthcare decisions.

The rhetoric we will hear from the Republicans in this hearing will be much the same we have heard for years. Whether it is a vote we took in the Senate or a new law protecting one's rights in my home State of New York, the Republicans have repeatedly used scare tactics and falsehoods to mislead the public. Yes, these are nothing but scare tactics, but don't take my word for it. Time and time again, fact checkers have ruled the Republicans' rhetoric on these issues to be outright false.

Let's be clear. Across the country, the reproductive rights of women are under attack. In statehouses across the country, the Republicans are forcing through radical proposals that would dramatically limit women's rights to make their own choices—in Mississippi, in Georgia, in Kentucky. This is a threat to women in all 50 States, not just in those 3. It is dangerously out of step with the American people.

The Trump administration is even imposing a gag rule on healthcare providers to stop them from discussing the full range of options with women who consider having abortions. They are literally preventing doctors from doing their jobs. It is illogical, intrusive, and hypocritical that the Republicans in Washington would tell a doctor what he or she can or cannot say to a patient in a private medical conversation.

I have been around here long enough to remember when the Republicans were preaching that government should never come between a patient and his or her doctor. Why the change? Since taking office, President Trump and his Republican colleagues have repeatedly prioritized restricting women's reproductive freedoms and have strategically placed obstacles in the way of their accessing the healthcare they deserve. Donald Trump and our Republican friends believe they know better than American women. That is wrong, and American women totally disagree with them.

Yet, while the Republicans across the country push these proposals, they look the other way when President Trump proposes cutting programs that help newborns and young children.

The President wants to cut Medicaid by more than $1 trillion. That provides healthcare coverage for 37 million children. He wants to eliminate programs that support emergency medical health services for children and that address autism and developmental disorders.

I hope my Republican colleagues will join us instead of slipping down this radical, ideological, and deeply misguided path to strip away the rights of women.

H.R. 268

Now on disaster relief, as I said yesterday, the question of providing funding for our fellow Americans hurt by natural disasters is not an either-or proposition, but Republicans have treated it like one. They argue that we can either have funding for our neighbors in the Midwest, or we can pursue aid for Puerto Rico that the President opposes. For the President of the United States to pit American citizens against each other is simply un-American, and for Republicans in the Senate to go along with him is exhibit A of their refusal to stand up.

Some of my colleagues have said: Well, we are giving Puerto Rico just food stamp money. OK. Let's give all the other States just food stamp money. See if they think that is going to help them rebuild their homes and deal with the roads and all the other things that natural disasters have brought. Of course not.

That is the double standard, and it is not going to happen. We know the House, to their credit, is standing firm.

Let's come up with a compromise that funds both. As Americans have always done when American citizens in one part of the country are in trouble because of disaster, we come together and help them all—not just the ones the President likes or finds politically advantageous but all. We don't say: We will give just food stamps to some but complete disaster relief to the others. That is wrong, and that hurts American citizens in Puerto Rico and elsewhere.

Last week, Senator LEAHY and I presented a solution that solves all the problems—$16.7 billion in relief for all Americans affected by natural disasters, including $2.5 billion in new funding that could help communities with the new disasters in the Midwest. It had support for Puerto Rico and the people in the other territories.

It is about time we stop this standoff, pass disaster relief, and help our fellow Americans before the next storms make their unwelcome arrival.

NOMINATIONS

Finally, on judges, today, the Republican leader will follow through on his plan to remake the judiciary in the image of President Trump. Irony of ironies, the first nominee we will consider is a gentleman who supported the Republican leader's decision to not consider even a committee hearing or a vote on Merrick Garland. That is galling.

Mr. Domenico and the other nominees we will consider today are outside the mainstream—way outside the mainstream—and should not be rushed through this body. Two hours of debate on a lifetime appointment? Shame on our Republican friends who went along with that.

By participating in this sham process, every Republican will fully own each and every radical decision each of these nominees makes. We see what is happening now. A very conservative justice in Texas is taking healthcare away from millions of Americans. He is taking away their protection for preexisting conditions.

My fellow Republicans, you are on warning: If you keep voting for these judges, you are going to carry the burden of their awful decisions that will hurt so many Americans. They are so far out of the mainstream.

I yield the floor.

The PRESIDING OFFICER (Mr. SCOTT of Florida). The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak for 3 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

WOMEN'S HEALTH

Mrs. MURRAY. Mr. President, as the minority leader explained, we unfortunately expect that today Senate Republicans will again make an effort to spread lies and misinformation about why some women decide to have abortions later in pregnancy, and they will do so instead of listening to women like Judy, from my home State of Washington, who learned that her son's organs were not developing properly—one lung was just 20 percent formed, and the other was missing entirely; women like Darla, from Texas, who learned that the complications one of her twins was facing could endanger the other's life as well; women like Alyson, a mother of six, who learned that one of her twins had died in the womb and the other was facing severe complications and that her own health was in severe risk from the pregnancy; or countless patients in States that have so severely undermined access to safe, legal abortion that women struggle to exercise their rights protected under our Constitution.

It is worth asking, with so much else going on, why are Republicans spending time doubling down on lies to undermine women's reproductive health? The unfortunate truth is that my Republican colleagues are not repeating these falsehoods because they are concerned about children or families; instead, they are doing whatever they think will help them reach their goal of taking away access to safe abortion in the United States of America.

Republicans may not be listening to women or doctors or families like the ones I just mentioned who had to make extremely difficult decisions, but Democrats are listening. We know women need to be able to make the healthcare choices that are right for them and their families, and healthcare providers need to be able to let medical standards, not politics, drive patients' care.

None of this should be controversial, and for the vast majority of people across the country, it is not. But as long as Republicans are holding partisan hearings to spread misinformation and lies or pushing anti-doctor, anti-women, and anti-family legislation or putting up new barriers to make it harder for women to access reproductive healthcare or trying to defund trusted healthcare providers like Planned Parenthood through harmful gag rules or jamming through far-right, ideological judges to chip

away at Roe v. Wade, Democrats are not going to stop fighting back on behalf of women, men, and families in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Mr. President, I have two unanimous consent requests.

I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARDNER. And I ask unanimous consent that I be allowed to complete my remarks before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF DANIEL DESMOND DOMENICO

Mr. GARDNER. Mr. President, I come to the floor to speak in support of Dan Domenico, the district judge we will be voting on shortly.

I strongly support Dan Domenico for the district court position in the District of Colorado. Dan has impeccable academic and legal credentials. A native Coloradan, he is well known and well respected throughout the entire Colorado legal community. These characteristics make him very well suited to be on the bench.

A native of Boulder, CO, Dan received his undergraduate degree from Georgetown University and his juris doctorate from the University of Virginia—it has been a good week for the University of Virginia: a new Federal judge and a national championship—where he graduated order of the coif and was the editor of the law review.

After law school, Dan joined the respected firm of Hogan & Hartson and then clerked for Judge Tim Tymkovich, who is now the chief judge on the Tenth Circuit Court of Appeals.

Following his clerkship, Dan continued his public service as a Special Assistant to the Solicitor in the U.S. Department of the Interior. There, he advised the Secretary and the Department on matters related to national parks, fish and wildlife, Bureau of Land Management issues, and Indian affairs. These are all areas that matter a great deal to Colorado and the West.

Dan was then appointed to be the solicitor general for the State of Colorado. While he was the youngest person tapped for the position, he then became the longest serving solicitor general in our State's history, holding the position for 9 years. As solicitor general, Dan represented the State in both State and Federal courts, including the U.S. Supreme Court. He oversaw all major litigation for the State, and he provided legal advice to the Governor and State agencies.

Dan is currently the founding and managing partner at the Kittredge LLC, where he represents clients in high-stakes, complex litigation and appeals. He is an adjunct professor at the University of Denver's College of Law, where he teaches courses in natural resources law and constitutional law.

As impressive as this background is, it is also an insight into the type of judge Dan would be. I am particularly struck by Dan's service as the Colorado solicitor general.

While the Democratic leader may object to Dan Domenico, two Democratic Governors in Colorado did not. In fact, they kept his service. In fact, Dan served as solicitor general for the State of Colorado during one Republican Governor and two Democratic Governors. He served, regardless of party, with competence and zeal. That is what the Colorado legal community would tell anyone who wishes to listen. His approach to the legal issues he confronted was the same regardless of the party in power. He looked to the law. And that is what we expect in every judge. That is what Colorado wants. That is what our country needs. We need experienced practitioners who are respected by their peers and who will faithfully apply the law regardless of politics or place in life. That is what I believe Dan will do, and that is why I enthusiastically support his nomination and hope my colleagues will follow suit as well.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Daniel Desmond Domenico, of Colorado, to be United States District Judge for the District of Colorado.

Mitch McConnell, Johnny Isakson, Roger F. Wicker, John Boozman, John Cornyn, Mike Crapo, Shelley Moore Capito, Pat Roberts, Roy Blunt, Deb Fischer, David Perdue, Todd Young, John Thune, Mike Rounds, Steve Daines, John Hoeven, Thom Tillis.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Daniel Desmond Domenico, of Colorado, to be United States District Judge for the District of Colorado, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Wisconsin (Mr. JOHNSON).

Further, if present and voting, the Senator from Wisconsin (Mr. JOHNSON) would haved voted ''yea.''

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH) is necessarily absent.

The yeas and nays resulted—yeas 55, nays 42, as follows:

[Rollcall Vote No. 65 Ex.]

YEAS—55

Alexander	Gardner	Portman
Barrasso	Graham	Risch
Bennet	Grassley	Roberts
Blackburn	Hawley	Romney
Blunt	Hoeven	Rounds
Boozman	Hyde-Smith	Rubio
Braun	Inhofe	Sasse
Burr	Isakson	Scott (FL)
Capito	Jones	Scott (SC)
Cassidy	Kennedy	Shelby
Collins	Lankford	Sinema
Cornyn	Lee	Sullivan
Cotton	Manchin	Thune
Cramer	McConnell	Tillis
Crapo	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Paul	
Fischer	Perdue	

NAYS—42

Baldwin	Hassan	Rosen
Blumenthal	Heinrich	Sanders
Booker	Hirono	Schatz
Brown	Kaine	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Smith
Carper	Leahy	Stabenow
Casey	Markey	Tester
Coons	Menendez	Udall
Cortez Masto	Merkley	Van Hollen
Durbin	Murphy	Warner
Feinstein	Murray	Warren
Gillibrand	Peters	Whitehouse
Harris	Reed	Wyden

NOT VOTING—3

Cruz	Duckworth	Johnson

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 42.

The motion is agreed to.

The Senator from Texas.

ORDER OF BUSINESS

Mr. CORNYN. Mr. President, I ask unanimous consent that all postcloture time on the Domenico nomination expire at 2:15 p.m.; further, that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action. I further ask unanimous consent that the Senate recess from 12:30 until 2:15 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORTING VETERANS

Mr. CORNYN. Mr. President, I was fortunate to grow up in a military family. My dad served for 31 years in the U.S. Air Force. He actually started out at a very young age as a B–17 pilot in the Army Air Corps before the Air Force was even created.

He was stationed at Molesworth Air Force Base in England and flew missions across the English Channel into Germany during World War II. He flew 26 of those missions, and he was successful in completing each one of them except for the last one. On the 26th mission, he was shot down and captured as a POW for the last 4 months of the war.

Growing up in a military family obviously means a lot to me. I grew up with a father who demonstrated every day what it means to be a patriot. Of course, like most military brats—that is what we called ourselves—I spent a lot of time traveling around the country. Of course, I was born in Texas and consider San Antonio home, but we

lived in Mississippi and in Kensington, MD, right outside the District of Columbia. I graduated from high school in Japan. This is pretty typical of a lot of military families because they tend to move around quite a bit. One of the biggest challenges, being a student growing up in a military family, is frequently having to change schools. That requires a little bit of resilience on the part of the student because they have to learn how to make friends, even in new settings.

Despite the challenges of moving around as a kid, there was one thing I was always grateful for. I had the privilege of witnessing not only my dad but so many others of our U.S. military servicemembers in action. Seeing their courage and sacrifice showed me early on that there is nothing we can do to adequately repay these men and women for their service to their country, but you better believe we have to try, and we are going to keep trying—not just to repay them but to recognize them and to honor them.

In Congress we accomplished a lot for our military over the last few years. We restored America's defense with the greatest investment in the military in decades, including the largest troop pay raise in nearly 10 years. That is after we tried unsuccessfully to do what we have done from time to time, which is to cash in the ''peace dividend.'' Unfortunately, we can't cash in the peace dividend because there never seems to be peace, as much as we would hope and pray for that.

But supporting our heroes on the battlefield is only part of our responsibility toward the military. We are also focused on ensuring that they get the care, support, and opportunities they need once they come home and take the uniform off as a veteran.

I have heard from many of my veterans in Texas who are frustrated with the services provided by VA facilities. They shared stories about having to travel hours upon hours to receive care, sometimes forcing them to accept lower quality care or sometimes to forego it entirely.

Both in Texas and across the country, VA facilities have notably been plagued by inefficiency, lack of accountability, and quality of care issues. Making matters more challenging, the VA has been hindered by unnecessary bureaucratic hurdles. The Veterans' Administration has more than 300,000 people working for them. So bureaucracy should be its middle name. It is not designed to be efficient, but it is incredibly frustrating and costly for our veterans as they seek to get the care we promised them and that we are dutybound to provide.

Sadly, in some cases veterans turn to alternative coping mechanisms that can lead to destructive addictions. We know that self-medication is a real problem, particularly for mental health issues, and veterans, unless they are diagnosed properly and receive the correct medical care, can spiral down as a result of an alcohol or drug addiction, which is a coping or self-medication mechanism that does not work out well. Those stories do not end well at all. Those are some of the challenges we have facing our veterans and trying to provide them with the services they are entitled to and have earned.

But there is a good news part to this story. Last summer we took a major step to provide veterans with the healthcare they deserve when we passed the VA MISSION Act. This legislation will make significant reforms in the Department of Veterans Affairs and provide veterans with more flexibility to make decisions themselves regarding their healthcare. In other words, they don't have to adapt to the system. The system can adapt to them and be flexible to their needs.

One of the most common frustrations I hear from my Texas veterans is that it is sometimes impractical to travel to the next VA hospital when they need care. This legislation, the VA MISSION Act, consolidates and improves VA community programs. In other words, you can get the care in your community. It allows veterans to receive care from private hospitals and doctors.

It also provides funding for the Veterans Choice Program to continue until the approved Veterans Community Care Program matures and is fully in effect.

The VA MISSION Act included some of the most substantial reforms to the veterans healthcare system in years, lowering the barriers to care for veterans and giving them more treatment options. It has also provided the largest funding increase in recent history for veterans' care and services and modernized the VA's electronic health record system.

My hope is it will provide some needed relief to veterans and their families who aren't happy with the status quo, and we will continue to work with them until we get this right, to build on these reforms until we are able to provide the sort of care all of our veterans need and deserve. We don't want to just provide for these men and women's physical needs, we also need to ensure that they have adequate mental health resources as well.

Last Congress, I was an original cosponsor of the Veteran Urgent Access to Mental Healthcare Act. Enacted as part of the 2018 Consolidated Appropriations Act, this law now allows those discharged under certain other-than-honorable conditions access to critical mental health care facilities. Veterans who are struggling deserve to be carefully evaluated at the onset of their mental illness and supported with the VA medical treatment necessary for their recovery.

I was proud to introduce the Mental Health and Safe Communities Act, which established peer-to-peer services that connect qualified veterans with other veterans to provide support and mentorship. One of the things I hear from our servicemembers, when they take the uniform off, is that what they miss most about the military is the camaraderie and sense of teamwork and mutual support. This legislation is designed to try to provide some transitional support for peer-to-peer services, to connect qualified veterans with other veterans during that period of time. It will also allow qualified veterans to obtain treatment, recovery, stabilization, and rehabilitation services.

While providing physical and mental healthcare for veterans is a top priority, it is only part of providing a smooth transition for those who leave military life to return to civilian life. We want to ensure that they have ample employment opportunities as well.

Last month, the veterans unemployment rate was 2.9 percent—down from 4.1 percent in March of last year and lower than the national unemployment rate. I would like to think that is, in part, a result of the concerted effort we have made to provide more opportunity to our veterans to transition into a meaningful career after life in the military. I am encouraged by those positive numbers. We will continue to follow them and make sure it is not just a blip on the radar screen.

Last Congress, I introduced the American Law Enforcement Heroes Act, which is now law. It amended a 1968 law to allow grant funds to be used to hire and train veterans as career law enforcement officers. Everywhere I go across the State of Texas, I talk to police departments that were really having huge challenges trying to fill the vacancies in their ranks. This will allow more of our veterans who are trained to serve as career law enforcement officers and use grant funds to hire and train them further to make sure they have the skills needed in a specific police department or law enforcement position. This bill makes sure veterans can get hired by local law enforcement agencies when they come out of the military with the very skills that are needed by those police agencies working to keep our communities safe.

I also introduced the Jobs for Our Heroes Act, which was signed into law last January. This streamlines the process by which Active-Duty military reservists and veterans receive commercial driver's licenses.

Finally, another bill I will mention was the Harry W. Colmery Veterans Educational Assistance Act, which made much needed updates for veterans facing school closures while enrolled. It also increased the resources and opportunities for educational assistance for veterans pursuing STEM careers—science, technology, engineering, and math—something we need more of.

Every piece of legislation I mentioned was signed into law by President Trump and represents our commitment in the Senate to supporting America's veterans. I am proud of the

work we have been able to do together on a bipartisan basis—big and small—to provide America's veterans with the support and resources they need as they transition to civilian life.

There is more I would like to accomplish this Congress to provide greater care and open more doors to veterans. I look forward to working with all of my colleagues to do exactly that.

TRIBUTE TO LIEUTENANT GENERAL PAUL E. FUNK II

Madam President, finally, I want to take just a moment to congratulate one outstanding servicemember from Texas who just received a big promotion. The Senate recently confirmed LTG Paul E. Funk II for his fourth star and for the position of commanding general of the U.S. Army Training and Doctrine Command.

Since 2017, General Funk has served as commanding general of the Third Armored Corps at Ford Hood, where he commands about 100,000 soldiers on five installations across five States. As excited as we were for him to take the helm at Fort Hood, it felt more like a homecoming for General Funk.

As a matter of fact, he was born at Fort Hood and is the son of a previous commander of the Third Corps at Fort Hood. They were the first father-son duo to command the unit and joined a small but impressive group of other fathers and sons who have commanded the same corps.

Throughout his career, General Funk has been deployed five times and led soldiers during Operations Desert Shield, Desert Storm, twice in Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Inherent Resolve. General Funk is highly decorated and has received multiple Distinguished Service Medals, the Defense Superior Service Medal, multiple Legion of Merit awards, and numerous Bronze Stars, among other medals.

I wanted to say a few words to congratulate soon-to-be General Funk and his wife, Dr. Beth Funk, on this incredible accomplishment. He is an outstanding soldier, leader, and patriot, and will do great work at TRADOC. The State of Texas is sad to say farewell, but we wish him the very best as he heads to Virginia for this incredible opportunity and his continued service to our country.

The PRESIDING OFFICER (Mrs. BLACKBURN). The Senator from Louisiana.

STOP SILENCING VICTIMS ACT

Mr. KENNEDY. Madam President, I want to talk briefly about two subjects. The first is sexual harassment. More specifically, I want to talk about a bill I am going to be introducing. It is about the abuse of nondisclosure agreements across government.

There are victims of sexual harassment who are prohibited from talking about their experiences because of a nondisclosure agreement that is attached to a settlement and has been paid for by taxpayers or, in some cases, with private funds. Victims are silenced. Victims are silenced so voters can't find out about this disgusting behavior.

I have always believed that sunlight is the best antiseptic and the best disinfectant, and it is long past time, in my opinion, that we stop revictimizing people who wanted nothing more than to come to work every day and be treated with basic human dignity.

The title of my proposed law is the Stop Silencing Victims Act. It is really very simple. It would say that if you are a State or Federal employee or if you are a public official or a public employee and you are accused of sexual harassment and you settle that lawsuit—whether you settle it with taxpayer funds or private funds—then a nondisclosure agreement is prohibited in that settlement unless the victim wants to have a nondisclosure agreement. In other words, if you are accused of sexual harassment and you settle the case, the taxpayers are entitled to know about the settlement unless the victim decides otherwise.

I am going to be careful here. We believe passionately, as we should, in due process in America; that just because you are accused of something doesn't mean you are guilty of it. Some of my colleagues have suggested in the past that you are morally tainted if you don't automatically believe all accusers. I don't agree with that. I think you are morally tainted if you don't treat both the accuser and accused with respect and dignity and due process. So the purpose of my bill is not to take away anybody's due process. Just because you are accused of something doesn't mean you are guilty of it.

Having said that, I think we have to face the facts in America. We have had far too many instances of sexual harassment. We have seen it in Hollywood repeatedly. I don't know how the actors in Hollywood have time to make movies; they are too busy molesting each other.

It is not just in Hollywood. It is all across society. It is in the Halls of Congress. It is in the halls of State government. It is in the boardroom. It is all across America. For the first time in a long time, women who are usually—not always but usually—the victims of sexual harassment have started to speak up. I thank them for that.

My bill will further enhance their voice. If they make an accusation of sexual harassment and the alleged perpetrator is a State employee or Federal employee and the lawsuit is settled, no longer will you be able to have an agreement that says nobody can talk about it unless the victim wants to. Once again, I think this kind of transparency will help us fight a very serious problem in America because this is no country for creepy old men or for creepy young men or for creepy middle-aged men or for anybody—man or woman—who would use his or her power to obtain sexual favors from somebody in fear of them in power in the workplace or otherwise.

IMMIGRATION

Madam President, I believe any President is entitled to surround himself with the advisers of his choice. I firmly believe that.

As you know, our recent Secretary of Homeland Security has been replaced. She and the President met on Sunday, and they mutually decided there would be a change at the top in Homeland Security. Secretary Nielsen decided to resign.

Shortly thereafter, her White House colleagues, her friends—the people she has worked with day in and day out to try to solve this crisis of illegal immigration into America—immediately became anonymous sources and proceeded to cut her to pieces off the record. Of course, our press, as it is entitled to do under the First Amendment, feasted on it. These were Secretary Nielsen's colleagues; the people she worked with on a daily basis.

This is America. Within reason, you can say what you want, but you ought to put your name to it. You shouldn't hide behind the label of an anonymous source. I believe, and I suspect the Presiding Officer does, too, that we should treat people with dignity and respect. I felt and still feel Secretary Nielsen's former colleagues did not show her dignity and respect. In fact, their behavior was classless.

I think Secretary Nielsen did the very best she could under difficult circumstances, for we do have a problem at the border. ''Problem'' is an understatement. In March, we had 100,000 people come into our country illegally. That is the most in 10 years. If that continues, we are going to set a record this year of the number of people entering our country illegally.

We are a nation of immigrants, and I am proud of that. Americans cannot be called anti-immigrant. Every year, we welcome a million people across the world to come into our country and become Americans. They do it legally. They follow the law—they are properly vetted; they get in line; they wait patiently. Then we welcome them in. We are a nation of immigrants, and I am very proud of that.

Unfortunately, we have another 500,000 to 600,000 people who don't follow the rules. They come into our country illegally. Illegal immigration is illegal. Even if you think it is a good idea—and I don't—if you care about the rule of law, which is one of the bedrock principles in America, then you would want to stop illegal immigration. It is just that simple.

I don't care who the President puts in charge of Homeland Security. I don't want to leave that statement in isolation or allow it to be taken out of context. Obviously, the Secretary of the Department of Homeland Security is a very important post, but I don't care which man or woman the President chooses, for we are not going to solve this problem until we do three things. Some brandnew, shiny, magical wonder pony is not going to gallop in and save

us here. We have to solve this problem ourselves.

The first thing we have to do is to build a wall. I am not talking about a wall from sea to shining sea. We have 1,900 miles of border. I am talking about barriers that are strategically placed. You cannot seal a 1,900-mile piece of real estate without having a barrier. It can't be done. If you don't believe me, ask Israel. That is why it has a 400-plus-mile border wall with the West Bank. That is why Saudi Arabia has a border wall with Yemen. That is why India has a border wall as do Bulgaria and Malaysia. I could keep going. Border walls work. All border walls say is: If you come into our country, come in legally because we believe in the rule of law.

The second thing we need to do, as the Presiding Officer well knows, is to pass asylum laws that look like somebody designed the things on purpose because what we have now doesn't fit that description. If you are coming from Central America—from El Salvador, from Nicaragua, from Guatemala—all you have to do is make it to American soil, say the magic words, and you will be allowed into our country. You will be told: We are going to give you a court date. Yet we are so far behind in our immigration court that the court date will likely come in a year and a half or 2 years. You will be released into the country, and you will be told to come back for the court date. Some do. Many don't.

No other country that I am aware of has an asylum law as upside down as ours. You could drive all across Washington, DC, and pick the first person you find who is living under the interstate and say: You draft an asylum law for us. It would be better than the asylum law we have right now.

The U.S. Senate ought to be debating America's asylum laws right this second. I am not saying the other things we are doing—we are in the personnel business—aren't important, but there is not a single issue right now that is more important. Congress needs to do its job, and the Senate ought to be debating this issue right now. I don't know how it will turn out. How about we just surprise ourselves for a change and do something intelligent by putting the issue on the floor of the Senate and by letting us debate it and offer amendments. We might be surprised at what we can achieve.

The third thing we are going to have to do to solve our problem is to convince our friends in Mexico and our friends in Central America—El Salvador, Guatemala, Nicaragua—to work with us in terms of solving this problem. What I would like to see the President do is to call an immigration summit. He has declined to do it, but I am going to keep talking about it until I persuade him to call an immigration summit. Invite the President of Mexico and the President of the Northern Triangle Central American countries. Let's come together, and let's talk about the problem.

There are some bad people coming across the border. Some of them are from Central America. The President is right about that. We have gang members, drug dealers, criminals, child sex traffickers, and adult sex traffickers. Yet all of the people coming across are not bad people. They are coming because they are scared. I read an analysis the other day of a poll conducted by Vanderbilt University. It was the most expensive, thorough poll that one could do. They didn't call people on the telephones; they talked to people in person. It was a representative sample.

This poll found that between one-third and one-half of the people with whom they talked who lived in Central American countries—the so-called Northern Triangle countries—had been victims of crime within the past year, usually of extortion. That is the problem in these Central American countries—the gangs are running the countries. In many cases, the police and elected leadership are complicit. I mean, imagine how bad things would have to be for you to take your child and your spouse and decide ''I am going to leave where I am and walk, with the clothes on my back, 500 to 1,000 miles to another country because that is how bad things are where I am right now.'' That is the case with many of the people in Central America.

I don't know the answer. I think we should start with a Presidential summit—not representatives of the President's but a Presidential summit of the President of the United States, President of Mexico Lopez Obrador, and the Presidents of the Northern Triangle countries. Let's see what we can do to try to solve this problem.

There is precedent for this. Back in the late 1990s and well into the next decade, we had a terrible problem with drug cartels and cocaine coming into this country from Colombia. We didn't solve that problem overnight. We solved it by working with Colombia to develop what we called then Plan Colombia. We sat down with the President of Colombia and said: We will work with you. We will even provide some of the funding in return for specific commitments—one being to stop growing cocoa leaves, for example. It has taken a decade, but we have not completely solved the problem. Yet, if you visit Colombia today, it is a different country.

Let me say again—and I will end on this note—that I am not anti-immigration, and I don't think most Americans are. We are a nation of immigrants, but illegal immigration undermines legal immigration. Some of my colleagues don't agree with that. They don't make the distinction between legal and illegal immigration. Some of my colleagues, I am convinced—and it is their right, for this is America; believe what you want—believe that illegal immigration is a moral good. I don't. I think illegal immigration is illegal, and I think it hurts our country. We are not going to solve this problem until we control the flow of people from Central America, until we revise our asylum laws, and until we build a barrier.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HAWLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAWLEY. Madam President, I ask unanimous consent that I be permitted to complete my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIGIOUS INTOLERANCE

Mr. HAWLEY. Madam President, I rise to discuss a new and growing fundamentalism—a fundamentalism of intolerance and bigotry that is spreading on our college campuses, in our university systems, and in the media. It is a fundamentalism that wraps itself in the language of tolerance but that is, in fact, a cloak for discrimination against people of faith. This new fundamentalism would undermine the most important constitutional guarantees and traditions of our Nation that have allowed us to live in civil peace and civil friendship for over 200 years, and that is the subject of my remarks this afternoon.

The latest example of this new fundamentalism of intolerance comes from Yale University—in particular, from Yale Law School—where we learned last week that Yale Law School had imposed a new policy that would block students who work for certain faith-based organizations from accessing resources that are available to all other students. Specifically, that policy would prohibit students from receiving school resources if they decided to work for an organization that takes religious faith into account when hiring. Unlike Federal law, Yale's policy, as announced, failed to include an exemption for religious organizations even though Federal law recognizes the rights of religious organizations to hire based on their faiths.

What we are talking about here is something very simple. Yale said to a group of students that if those in the group wanted to work for faith-based organizations, they would not be able to access the same funds or the same loan repayment programs that are offered to all other students who work for all other organizations. As to what Yale held out to students as being a neutral and generally available program for folks who chose to work in the public's interest either during the summer or after law school, Yale Law School, last week, said: Oh, no. It is not going to be available if you are a student of faith and choose to go to work for an organization that is faith-based and want to pursue its faith-based mission.

Ironically, this was done in the name of tolerance. Yale said it was trying to

foster a more tolerant environment. In fact, this is the most rank intolerance. It is flatout discrimination. It is discrimination against religious organizations and nonprofit organizations that are pursuing their good work and that are, in many instances, doing so without asking their clients to pay a single cent. It is discrimination on the basis of faith, pure and simple. It is discrimination against students of faith who want to go to public interest organizations that share their faith missions and who want to do good in the world by pursuing those beliefs while helping those who are in need. It is discrimination, at the end of the day and at the root of the matter, that rejects this country's commitment and our First Amendment's commitment to pluralism.

You know, our First Amendment is an extraordinary text. When enacted, it was the first of its kind in the world, and it makes an extraordinary commitment. It says that the people of this country have the right to pursue and to observe their religious beliefs, whatever they may be, so long as they do so in peace with one another. It is, as an old friend of mine once said, the right to be wrong. The First Amendment guarantees that every single American can pursue his or her most fundamentally held, deeply held religious beliefs so long as they don't harm other people. That doesn't mean we all have to agree on what our religious beliefs are. It doesn't mean we have to agree on the outcomes our religious creeds lead us to.

Our First Amendment recognizes the right to be wrong, but this new fundamentalism, this new intolerance and bigotry does not recognize the right to be wrong. In fact, it wants to eliminate the right to be wrong. It wants to say that, no, we all have to agree. We all have to now share Yale's view of what an appropriate religious mission is. We now have to share Yale's view of what students should be doing with their time. We have to share Yale's view of what our deeply held beliefs, religious or otherwise, should be.

This sort of fundamentalism insists on a monochromatic view of the world that we all believe the same thing, that we all act in the same way, that we all behave the way our elites want us to behave. Well, I submit to you that is not the First Amendment to the U.S. Constitution. That is not our great tradition of pluralism. That is not what has allowed us to live in civil peace and civil friendship for these many years.

The question is, Why do Yale Law School and other institutions pursue policies like this? Well, it is not because of the law. Let's be clear about that. In fact, Federal law and, indeed, our Constitution prohibit precisely this kind of targeting of people of faith for disfavor. Just in 2017, the U.S. Supreme Court ruled in a case called Trinity Lutheran that policies that target the religious for special disabilities based on their religious status are unconstitutional. Indeed, as I said earlier, Federal law explicitly prohibits the targeting of individuals for their religious faith.

No, Yale Law School is not enacting this policy because the law requires it; they are enacting this policy because they no longer believe in the right to be wrong. They no longer believe that our religious faith is so fundamental, is so significant, and is so meaningful that we ought to be allowed to pursue it peacefully, in harmony with one another.

You know, Yale said of their policy that ''the law school cannot prohibit a student from working for an employer who discriminates''—that is their understanding of what religious organizations do when they ask that the members of the organization share the same faith; they call that discrimination—''the law school cannot prohibit a student from working for an employer who discriminates, but that is not a reason why Yale Law School should bear any obligation to fund that work.''

Well, Yale Law School can certainly pursue its own beliefs, its own objectives, and its own values, but why should they be doing it with Federal taxpayer money? That is my question.

Yale University receives millions of dollars in Federal taxpayer subsidies every year, which they use to pad their multibillion-dollar endowment. Yale Law School, this seat of privilege, does not have to accept this money from the Federal Government—I submit to you, is not entitled to this money from the Federal Government if they are going to engage in patterns of discrimination targeted at religious students and religious organizations for special disfavor.

So I propose this: If Yale Law School and Yale University want to pursue a policy of discrimination towards religious believers, they may certainly do so, but they may not do it with Federal taxpayer money.

You know, Yale said at the end of last week that they would add an exemption now. They said they would add an exemption for religious organizations and religious believers. We haven't seen that exemption yet. I notice that it took days of pressure and outcry for them to come forward with this. I hope they will add an exemption. I hope they will stop targeting religious students for special disfavor. But what I hope above all is this: I hope that Yale Law School and Yale University will recommit themselves to our proud tradition of pluralism, of diversity, of the right to be wrong, which has been the basis for our civic friendship, for our civic peace, for the extraordinary diversity of thought and belief we so cherish in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Ms. ERNST. Madam President, I ask unanimous consent to complete my remarks before the lunch recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEXUAL ASSAULT AWARENESS MONTH

Ms. ERNST. Madam President, I rise today to focus on a serious issue that has plagued our society and impacted the lives of so many people across our great Nation: sexual assault.

During my time at Iowa State University, I served as a volunteer counselor at a crisis center that provided shelter and support to survivors of abuse and sexual assault. I heard so many gut-wrenching stories of women and of men fleeing domestic abusers, suffering not just physically but emotionally and spiritually. Taking calls on our hotline from people who had been raped and sexually abused was absolutely heartbreaking.

Abuse is not something you can just simply forget; it stays with you forever. And I know this personally. As a survivor and as a Senator, I feel it is important to be a voice for the thousands of victims across Iowa and so many more across our Nation who have fallen prey to sexual assault, to rape, to harassment, and other forms of abuse. Our country is facing a mental health crisis, and one cannot help but feel that these issues are all too often interwoven into the stories of so many Americans.

April is Sexual Assault Awareness Month. As lawmakers, it is a stark reminder that we must take a long, hard look at how we combat this problem and take real steps to confront sexual assault in our society.

Just last week, with my colleagues Senator GRASSLEY, Senator GILLIBRAND, and others, we reintroduced a bipartisan bill to combat sexual assault on our college and university campuses. Our bipartisan measure will make campuses in Iowa safer and ensure victims are fairly heard by changing the way our universities handle sexual assault cases.

But it is not just these young men and women at these institutions who have been victimized. Like so many of you, I was horrified—absolutely horrified—to hear of the crimes committed by Larry Nassar, the USA Gymnastics doctor who abused hundreds of young athletes. The actions of Nassar and the individuals and institutions that facilitated and then protected his behavior are inexcusable.

The cases were also symptomatic of broader problems our society faces on sexual assault, rape, harassment, and abuse, leaving women and men, young and old, vulnerable. These types of failures are the reasons I have worked with my colleagues in Congress on reforms to ensure sexual misconduct is reported, responded to, taken seriously, and ideally prevented. For instance, we introduced a bill to require the governing bodies of U.S. amateur athletic organizations to immediately report sex abuse allegations to local or Federal law enforcement or a child welfare agency.

But the work doesn't end with our educational and athletic institutions; we must challenge people to do better

to protect people from these horrendous actions. In the case of the military, the Department of Defense should take a stronger posture in terms of preventing sexual assault within its ranks. I say this as a former company commander and a retired lieutenant colonel. While there have been concrete steps taken to improve the safety of our servicemembers, there is more that we can and should do to protect our men and women in uniform and change the overall culture.

The message I hear all too often is that victims in our armed services have a fear of retaliation. Folks, this is absolutely unacceptable. Those who report sexual assault should not fear coming forward, and those who retaliate against individuals should be punished to the full extent of the law. I helped author a bill to make retaliation its own unique offense under the Uniform Code of Military Justice, and fortunately for our servicemembers, this bill is now law.

It is my hope that Congress can continue to work on legislation that addresses these issues.

While my personal story certainly does play a role in my passion for change, so also do the stories and faces of men and women back home in Iowa, every single one of them, with that face, with that name, with that heart, and with that soul. It is their stories that push me to want to make real and lasting change. Whether it is working with Senator DIANNE FEINSTEIN, ranking member of the Judiciary Committee, to reauthorize the Violence Against Women Act or fighting to reduce the abuse of females in custody through legislation with Senators BOOKER and BLUMENTHAL, combating sexual assault should be bipartisan and something we all can agree on.

I look forward to continuing to work with my colleagues toward ending sexual assault once and for all. This issue will continue to plague us until we come together and take concrete steps to address it. We all can and must do better.

This month, as we raise awareness of sexual assault, I hope to see this body taking real and lasting action.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:43 p.m., recessed until 2:15 p.m., and was reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired.

The question is, Will the Senate advise and consent to the Domenico nomination?

Mr. INHOFE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 66 Ex.]

YEAS—57

Alexander	Fischer	Paul
Barrasso	Gardner	Perdue
Bennet	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hawley	Roberts
Boozman	Hoeven	Romney
Braun	Hyde-Smith	Rounds
Burr	Inhofe	Rubio
Capito	Isakson	Sasse
Cassidy	Johnson	Scott (FL)
Collins	Jones	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sinema
Cramer	Lee	Sullivan
Crapo	Manchin	Thune
Cruz	McConnell	Tillis
Daines	McSally	Toomey
Enzi	Moran	Wicker
Ernst	Murkowski	Young

NAYS—42

Baldwin	Hassan	Rosen
Blumenthal	Heinrich	Sanders
Brown	Hirono	Schatz
Cantwell	Kaine	Schumer
Cardin	King	Shaheen
Carper	Klobuchar	Smith
Casey	Leahy	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Udall
Duckworth	Merkley	Van Hollen
Durbin	Murphy	Warner
Feinstein	Murray	Warren
Gillibrand	Peters	Whitehouse
Harris	Reed	Wyden

NOT VOTING—1

Booker

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Patrick R. Wyrick, of Oklahoma, to be United States District Judge for the Western District of Oklahoma.

Mitch McConnell, Johnny Isakson, Roger F. Wicker, John Boozman, John Cornyn, Mike Crapo, Shelley Moore Capito, Pat Roberts, Roy Blunt, Deb Fischer, David Perdue, Todd Young, John Thune, Mike Rounds, Steve Daines, John Hoeven, Thom Tillis.

Mr. CORNYN. Madam President, I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Patrick R. Wyrick, of Oklahoma, to be United States District Judge for the Western District of Oklahoma, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 46, as follows:

[Rollcall Vote No. 67 Ex.]

YEAS—53

Alexander	Fischer	Perdue
Barrasso	Gardner	Portman
Blackburn	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Hawley	Romney
Braun	Hoeven	Rounds
Burr	Hyde-Smith	Rubio
Capito	Inhofe	Sasse
Cassidy	Isakson	Scott (FL)
Collins	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	McConnell	Tillis
Cruz	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Paul	

NAYS—46

Baldwin	Heinrich	Sanders
Bennet	Hirono	Schatz
Blumenthal	Jones	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Sinema
Cardin	Klobuchar	Smith
Carper	Leahy	Stabenow
Casey	Manchin	Tester
Coons	Markey	Udall
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Peters	Wyden
Harris	Reed	
Hassan	Rosen	

NOT VOTING—1

Booker

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 46.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Patrick R. Wyrick, of Oklahoma, to be United States District Judge for the Western District of Oklahoma.

The PRESIDING OFFICER. The Senator from Tennessee.

MAIDEN SPEECH

Mrs. BLACKBURN. Madam President, it is an honor to speak on the

floor of the Senate today for the first time. I really want to say a thank you to my colleagues here in the Senate for the warm welcome, especially Senator ALEXANDER, for the friendship, advice, and counsel he supplies to each and every one of us, especially to me.

I am really humbled to be here as the first female elected from Tennessee to serve in the Senate. I just have to note that a few decades ago, neither the Presiding Officer, who is the first woman from West Virginia, nor I could have been here in this Chamber speaking because women would not have been allowed. Yet our suffragists took care of that with women getting the right to vote.

I love this quote by Susan B. Anthony. I think it is so good and appropriate for us: ''I declare to you that woman must not depend upon the protection of man, but must be taught to protect herself, and there I take my stand.''

Women have always been fierce defenders of freedom and freedom's cause. Many times people will say to me: Why do you choose to serve? For me, it really is more or less a calling to public service. In that calling, I find it important to defeat the narrative that still exists to this day that conservative women should be seen but not heard. Here in this Chamber and in my role, I will continue to fight against a media that chooses to empower women on one side of the political aisle and denigrate those of us on the other side of the aisle. I am going to make certain that conservative women do have a strong voice in the Senate.

I am here because, throughout my history—my family's history, as I have researched our history—there were so many who chose to serve in the military. There are others, like my family, who have chosen to serve our communities and our neighbors in our schools, in our churches, and in community activities. I regard my public service as a civic duty and a way to give back to the country that has given me so many blessings.

What I have found from Tennesseans is that many of them are just like me. They have grown up in a rural area. They have worked hard, and they have built their version of the American dream. I am very typical of that. I grew up on a farm, attended college, married, had children, two grandchildren, and really appreciate the opportunities I have been given to work hard, to build a business, and to share in the benefits of hard work.

Politically, I fought the establishment of both parties in Tennessee when I was in the State senate. There, thousands of Tennesseans joined me in opposing a massive, job-killing State income tax. We won that fight.

Ever since, I have been focused on fighting high taxes and fighting wasteful spending because I know the money we appropriate and that gets spent is not Washington's money; it is the taxpayers' hard-earned money. Government ought not have the first right of refusal on your paycheck, but it does. It is part of our duty as public servants to be responsible stewards of the taxpayers' money and to be aggressive in rooting out waste, fraud, and abuse.

I think we should heed the 2010 warning of the then-Chairman of the Joint Chiefs, Admiral Mullen, when he said: ''The most significant threat to our national security is our debt.''

Our debt today is a staggering $22 trillion. Now, think about this. When George Bush left office, that debt was at $10.7 trillion. It is $22 trillion today. For our children and for our grandchildren, I think it is immoral to pass on this kind of debt.

I am also here because I am pro-life, and I will protect those who cannot protect themselves. I will tell you it is astounding to me that this body could not pass legislation that would protect babies who are born alive as a result of botched abortions. It is a disgrace. Big Abortion must be held accountable because its actions are a stain on the moral fabric of our country.

Just as I promised Tennesseans, I promise my colleagues that I am going to work hard and will stand strong for what I believe in because I know I am working for freedom, free people, and free markets. As Frederick Douglass said, ''I would unite with anybody to do right and with nobody to do wrong.'' I invite all of my colleagues to join me in protecting what I term to be the ''big five''—faith, family, freedom, hope, and opportunity, especially freedom.

Washington needs to be reminded of just how precious the core value of freedom is, not only for Tennesseans but for all Americans. Every community and every church in Tennessee is filled with veterans and families who have sacrificed and who cherish that hard-won gift of freedom. They talk about it regularly. They have parades. When the troops come home, they celebrate our freedom. In Tennessee, we have 470,000 veterans who call Tennessee home, and it is such an honor to come to this body and stand with them because of the work they have done for us.

I serve on the Armed Services and Veterans' Affairs Committees. We know our military has to have the resources it needs to fight our 21st century adversaries. Our veterans deserve not only our thanks but the benefits that have been offered to them. So, last month, I introduced the Gold Star Family Fellowship Program Act. This will establish a fellowship for those Gold Star families in our Senate offices. I have also joined Senator TESTER in the Hello Girls Congressional Gold Medal Act to honor our women soldiers from World War I.

I am here to make certain our Nation is a nation of legal immigrants, not of illegal immigrants. The chaos at the border should embarrass each and every one of us as it has been decades in the making. This crisis is something we ought to work together on solving—drug trafficking, sex trafficking, human trafficking, and gangs. We must solve it rather than allow it to be a political issue for a campaign.

I am here to work to protect your right to privacy—the physical and the virtual space. Yesterday Senator KLOBUCHAR and I sent a letter to the FTC that focuses on how we protect Americans from what I call the data pirates at Google and Facebook. Your privacy is important, and I believe you and I have the right to send notes to our friends without having the entire stories of our lives sold to the highest online bidder.

We are finishing our work on the BROWSER Act. I introduced this when I was in the House, and we are going to introduce it here because I believe it is imperative to give you the tools to protect yourselves online. I believe we need one set of privacy rules for the entire internet ecosystem. This is what you call fairness.

Our family has always believed we have a responsibility to leave a place in better shape than we found it. It is, more or less, our family mantra.

I will say that changing the rules of the Senate to allow for the confirmations of judges and to proceed on the Executive Calendar are exactly the right moves. You can call it the nuclear option or whatever you want to call it. In the press, I have heard it called many things in the last few days, but obstruction tactics do absolutely nothing to leave this Chamber or the country in better shape. Maybe it makes for good political rhetoric, but our country deserves better.

I agree with Leader MCCONNELL. This is a key way to help our Nation and our Chamber function fully and better. As a member of the Judiciary Committee, I am going to work to confirm those qualified judges who will respect and uphold the Constitution.

In January, it was an honor to be sworn in by Justice Brett Kavanaugh and to join Senator ERNST as being the first Republican women on the Judiciary Committee. Being the first woman ever elected to the Senate from Tennessee and being a conservative woman are things that are not lost on me. Indeed, conservative women have quite a track record in leading the fight for freedom in our Nation's history.

At the top of that record is fighting and winning the right for women to vote. Next year, we are going to celebrate the 100th anniversary of the ratification of the 19th Amendment, granting women the right to vote. You may not be aware, but Tennessee was the 36th and the decisive State to ratify this amendment. It was the suffragists who fought and led that charge, and I am honored to join so many of our female colleagues in this Chamber in drafting legislation to honor that anniversary. Indeed, I am going to provide all of our colleagues the opportunity to cosponsor and participate in one of those bills that will have a commemorative coin for the event.

Howard Baker—a great Tennessean and the former majority leader of this body—once remarked about the nature of the Senate: ''[And] if we cannot be civil to one another, and if we stop dealing with those with whom we disagree, or that we don't like, we would soon stop functioning altogether.''

With that in mind, my time in the Senate is going to be focused on action and accomplishment—things that will lead to positive change.

Many times, people have asked me: What is one of your strengths? What do you think helps you in the political process?

I have repeatedly said: I am a pretty good change agent.

That is something we need to do to fully function and to serve our Nation.

Tennessee has constituencies across every sector of our Nation's economy, and they are wanting change. They want fair and free markets, less regulation, less taxation, and less litigation. Our industries are in agriculture, energy production, financial services, national security installations, veterans hospitals, world-class universities, healthcare, manufacturing, technology, entertainment, and communications.

In Tennessee, we are a logistics hub, with great networks and intermodal facilities. As a member of the Senate Commerce, Science, and Transportation Committee, I am going to work with them to make certain that when the Federal Government shows up, it is there to be a help and not a hindrance.

Tennessee is a cultural leader and is the Nation's center for music, songwriting, and religion. The people want protection of the works they create and of the sermons they preach.

Tennesseans also tell me that as their Senator, they want me to be aware they are concerned about the future of the Nation. It is unimaginable to Tennesseans that nearly three decades after the end of the Cold War, there is a debate in Washington about, are you for socialism or are you for freedom? They cannot believe this is happening. They want to make certain we are going to continue to push forward and protect this Nation and protect our freedoms that we have. We will continue to do that and to push back.

We have a lot of challenges we are going to face. Tennesseans want to make certain that we are going to be there to focus on prosperity and leadership for future generations. This is going to require our paying attention to technology. My colleagues will find that I am going to work to push for 5G and next-generation technologies for both our commercial and military space.

Senator BALDWIN and I are introducing bipartisan legislation to advance rural broadband, and I have joined Senators GARDNER and CORTEZ MASTO on the ACCESS BROADBAND Act to make resources available to rural communities. Technology is not only enabled by freedom, it enhances freedom.

Make no mistake, our technology and our power are being challenged by all of our adversaries. Primary among them is Communist China, which is a threat to our country because it steals our technology, our innovations, and in its unfair trading practices and monetary policy. We should all be united in taking on the Chinese. Our Tennesseans talk to me regularly about their concerns about some of the theft that takes place by China. We have other enemies as well—from Maduro in Venezuela to the Ayatollahs in Iran, to Kim Jong Un in North Korea. We must stand together as Americans if we are to advance the cause of freedom.

Tennesseans have been clear in what they want and in what they expect from their U.S. Senator. They want somebody who is going to listen to them and be concerned about the stories of their lives, not the DC story of the day. Tennesseans are ready for bold ideas on how the Federal Government should spend their taxpayer dollars.

They don't want tweaks around the edges of bills; they want something bold. They are concerned about how we are going to fund the military. They are concerned about what we are going to do to further our presence in this land.

Tennesseans want a Senator who will respect freedom and the rule of law. It is a beautiful and diverse State. It represents the best of what this Nation has to offer. Our history reflects a common set of values that are based on faith, family freedom, hope, and opportunity, and I look forward to working with my colleagues to preserve these values and to fight back against those who would attempt to undermine them.

I yield the floor.

The PRESIDING OFFICER (Mrs. BLACKBURN). The majority leader.

ORDER OF PROCEDURE

Mr. MCCONNELL. Madam President, I ask unanimous consent that all postcloture time on the Wyrick nomination expire at 5:30, Tuesday, April 9; further, that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action. I further ask unanimous consent that the mandatory quorum call with respect to the Stanton nomination be waived; finally, that notwithstanding the provisions of rule XXII, the cloture motion on the Abizaid nomination be withdrawn and the Senate vote on his confirmation at a time to be determined by the majority leader, in consultation with the Democratic leader, on April 10, 2019.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JONES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DR. MARTIN LUTHER KING JR.'S LETTER FROM BIRMINGHAM JAIL

Mr. JONES. Madam President, I rise today to honor a great American, an American whose words lit a flame of hope in the hearts of those souls who had become weary with the weight of injustice, an American whose struggles, ideals—and, yes, his dreams—are etched in the foundation of our Nation.

On April 12, 1963, Dr. Martin Luther King, Jr., was arrested in my hometown of Birmingham, AL. His crime? Leading a peaceful march to protest the indignity suffered by the Black community in the Jim Crow era. He had violated Birmingham public safety commissioner ''Bull'' Connor's ban on public demonstrations, which targeted the growing resistance of African Americans to the injustices they were suffering.

While in solitary confinement in Birmingham, Dr. King wrote what became known as the ''Letter from Birmingham Jail''—a stinging response to a group of White clergy in Alabama who had denounced his tactics and questioned the wisdom and timing of his arrival in Birmingham.

They insisted that he was an outside agitator coming to Alabama to instigate trouble. Dr. King responded famously: ''Injustice anywhere is a threat to justice everywhere.''

In his letter, he rejected the idea that African Americans should be more patient for change in the face of the daily indignities inflicted by segregation and in the face of violence and threats and intimidation. He wrote: ''There comes a time when the cup of endurance runs over.''

While I did not experience this struggle as a young child—a young White child growing up in the nearby Birmingham suburb—I spent much of my adult life and career as a lawyer and former U.S. attorney examining the history and absorbing its lessons. I have often returned to Dr. King's letter to understand the forces at play at the height of the civil rights struggle. Each time I read his words, I am in awe of his courage and resolve in the face of such incredible personal risk.

While we have come so far and while we have made great progress in loosening the binds of racial injustice that have constrained and suffocated our Nation for so many years, we have not yet fully relieved the weight of our country's abominable history of slavery, segregation, and racial discrimination.

That is why I rise today. It is our civic duty and I believe our moral obligation to remember Dr. King's words and his deeds, to tell his story, to appreciate that 1963 was not all that long ago, and to reflect on how many things have changed and how many have not. Our obligation is to honor Dr. King's

legacy by joining him in envisioning the mountaintop and working to make real his famous dream that our Nation will rise up and live out the true meaning of the creed: ''We hold these truths to be self-evident, that all men are created equal.'' That is why we rise today.

Dr. King saw an America that had the potential to live up to its lofty ideals, where every man, woman, and child had an equal opportunity to succeed and to live a life free from discrimination. He saw the good in our country when it would have been easier for him to see the bad. It is that positive spirit and clarity of vision that made his legacy so enduring.

Today, we will honor that legacy by reading the letter from the Birmingham jail in its entirety in the Senate Chamber.

I am honored to be joined today by Martin Luther King III, who is in the Gallery—the oldest son of Dr. King and Coretta Scott King—as well as my old friend Charles Steele, the president of the Southern Christian Leadership Conference and a reverend. Together, they are at the forefront of the modern civil rights movement and personally carry on the legacy that Dr. King bequeathed us.

I am also very grateful that several of my colleagues on both sides of the political aisle will stand with me to read portions of the letter today. I want to thank Senators LAMAR ALEXANDER of Tennessee, TED CRUZ of Texas, KAMALA HARRIS of California, TIM KAINE of Virginia, and LISA MURKOWSKI of Alaska for participating in this historic reading today.

I urge the rest of our colleagues, anyone in the Gallery, and anyone watching at home on television to consider what we might still learn today from this powerful message about justice and freedom from oppression and the indifference of people who stand idly by when their fellow Americans are persecuted.

To begin the reading of the letter, I would like to yield to my colleague from Tennessee, my friend Senator ALEXANDER.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I thank the Senator from Alabama for including me today in the reading of Dr. King's letter from the Birmingham jail.

Senator JONES has standing to do this not just because he is from Alabama but because of his work as a U.S. attorney prosecuting Klansmen who blew up a church on 16th Street in Birmingham, killing children.

Senator JONES said that all of this was not too long ago. It was not too long ago for me. I remember a day—on August 28, 1963. I was a student at that time at New York University School of Law with an internship in the U.S. Department of Justice. It was a hot summer day, and the streets were filled with the March on Washington. It was about lunchtime, I believe, that I went outside into that crowd, and I heard a booming voice from a man who was standing on the steps of the Lincoln Memorial. I heard the words that he hoped his four little children one day would ''live in a nation where they will not be judged by the color of their skin.'' I am not sure, at that time and at that age, that I understood fully what I was seeing and hearing, but I was hearing Dr. King's ''I Have a Dream'' speech.

In 1962, a year earlier, I was a senior at Vanderbilt University in Nashville. It was not that long ago, but a lot has changed since then. Vanderbilt, a prestigious institution, just in that year was desegregating its undergraduate school. I was a part of that effort. But even then, Black Americans couldn't go to the same restaurants, stay at the same motels, or go to the same bathrooms—even then, and it was not that long ago.

Four months before I heard Dr. King speak in August of 1963, he wrote a letter from the Birmingham jail on the 16th of April, 1963. This was Dr. King's letter:

My Dear Fellow Clergymen:

While confined here in the Birmingham city jail, I came across your recent statement calling my present activities ''unwise and untimely.''

Dr. King's letter went on to say:

I think I should indicate why I am here in Birmingham, since you have been influenced by the view which argues against ''outsiders coming in.'' I have the honor of serving as president of the Southern Christian Leadership Conference, an organization operating in every southern state, with headquarters in Atlanta, Georgia. We have some eighty five affiliated organizations across the South, and one of them is the Alabama Christian Movement for Human Rights. Frequently we share staff, educational and financial resources with our affiliates. Several months ago the affiliate here in Birmingham asked us to be on call to engage in a nonviolent direct action program if such were deemed necessary. We readily consented, and when the hour came we lived up to our promise. So I, along with several members of my staff, am here because I was invited here. I am here because I have organizational ties here.

But more basically, I am in Birmingham because injustice is here. Just as the prophets of the eighth century B.C. left their villages and carried their ''thus saith the Lord'' far beyond the boundaries of their home towns, and just as the Apostle Paul left his village of Tarsus and carried the gospel of Jesus Christ to the far corners of the Greco Roman world, so am I compelled to carry the gospel of freedom beyond my own home town. Like Paul, I must constantly respond to the Macedonian call for aid.

Moreover, I am cognizant of the interrelatedness of all communities and states. I cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly. Never again can we afford to live with the narrow, provincial ''outside agitator'' idea. Anyone who lives inside the United States can never be considered an outsider anywhere within its bounds.

You deplore the demonstrations taking place in Birmingham. But your statement, I am sorry to say, fails to express a similar concern for the conditions that brought about the demonstrations. I am sure that none of you would want to rest content with the superficial kind of social analysis that deals merely with effects and does not grapple with underlying causes. It is unfortunate that demonstrations are taking place in Birmingham, but it is even more unfortunate that the city's white power structure left the Negro community with no alternative.

In any nonviolent campaign there are four basic steps: collection of the facts to determine whether injustices exist; negotiation; self purification; and direct action. We have gone through all these steps in Birmingham. There can be no gainsaying the fact that racial injustice engulfs this community. Birmingham is probably the most thoroughly segregated city in the United States. Its ugly record of brutality is widely known. Negroes have experienced grossly unjust treatment in the courts. There have been more unsolved bombings of Negro homes and churches in Birmingham than in any other city in the nation. These are the hard, brutal facts of the case. On the basis of these conditions, Negro leaders sought to negotiate with the city fathers. But the latter consistently refused to engage in good faith negotiation.

Dr. King's letter continues:

Then, last September, came the opportunity to talk with leaders of Birmingham's economic community. In the course of the negotiations, certain promises were made by the merchants—for example, to remove the stores' humiliating racial signs. On the basis of these promises, the Reverend Fred Shuttlesworth and the leaders of the Alabama Christian Movement for Human Rights agreed to a moratorium on all demonstrations. As the weeks and months went by, we realized that we were the victims of a broken promise. A few signs, briefly removed, returned; the others remained. As the weeks and months went by, we realized that we were the victims of a broken promise. A few signs, briefly removed, returned; the others remained. As in so many past experiences, our hopes had been blasted, and the shadow of deep disappointment settled upon us. We had no alternative except to prepare for direct action, whereby we would present our very bodies as a means of laying our case before the conscience of the local and the national community. Mindful of the difficulties involved, we decided to undertake a process of self purification. We began a series of workshops on nonviolence, and we repeatedly asked ourselves: ''Are you able to accept blows without retaliating?'' ''Are you able to endure the ordeal of jail?''

Dr. King's letter continues:

We decided to schedule our direct action program for the Easter season, realizing that except for Christmas, this is the main shopping period of the year. Knowing that a strong economic-withdrawal program would be the by product of direct action, we felt that this would be the best time to bring pressure to bear on the merchants for the needed change.

Then it occurred to us that Birmingham's mayoral election was coming up in March, and we speedily decided to postpone action until after election day. When we discovered that the Commissioner of Public Safety, Eugene ''Bull'' Connor, had piled up enough votes to be in the run off, we decided again to postpone action until the day after the run off so that the demonstrations could not be used to cloud the issues.

Dr. King continued:

Like many others, we waited to see Mr. Connor defeated, and to this end we endured postponement after postponement. Having

aided in this community need, we felt that our direct action program could be delayed no longer.

Madam President, I yield the floor to the Senator from California, Ms. HARRIS.

Ms. HARRIS. I thank the Senator from Tennessee.

Dr. King continues:

You may well ask: ''Why direct action? Why sit ins, marches and so forth? Isn't negotiation a better path?'' You are quite right in calling for negotiation. Indeed, this is the very purpose of direct action. Nonviolent direct action seeks to create such a crisis and foster such a tension that a community which has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored. My citing the creation of tension as part of the work of the nonviolent resister may sound rather shocking. But I must confess that I am not afraid of the word ''tension.'' I have earnestly opposed violent tension, but there is a type of constructive, nonviolent tension which is necessary for growth. Just as Socrates felt that it was necessary to create a tension in the mind so that individuals could rise from the bondage of myths and half truths to the unfettered realm of creative analysis and objective appraisal, so must we see the need for nonviolent gadflies to create the kind of tension in society that will help men rise from the dark depths of prejudice and racism to the majestic heights of understanding and brotherhood. The purpose of our direct action program is to create a situation so crisis packed that it will inevitably open the door to negotiation. I therefore concur with you in your call for negotiation. Too long has our beloved Southland been bogged down in a tragic effort to live in monologue rather than dialogue.

One of the basic points in your statement is that the action that I and my associates have taken in Birmingham is untimely. Some have asked: ''Why didn't you give the new city administration time to act?'' The only answer that I can give to this query is that the new Birmingham administration must be prodded about as much as the outgoing one, before it will act. We are sadly mistaken if we feel that the election of Albert Boutwell as mayor will bring the millennium to Birmingham. While Mr. Boutwell is a much more gentle person than Mr. Connor, they are both segregationists, dedicated to maintenance of the status quo. I have hope that Mr. Boutwell will be reasonable enough to see the futility of massive resistance to desegregation. But he will not see this without pressure from devotees of civil rights. My friends, I must say to you that we have not made a single gain in civil rights without determined legal and nonviolent pressure. Lamentably, it is an historical fact that privileged groups seldom give up their privileges voluntarily. Individuals may see the moral light and voluntarily give up their unjust posture; but, as Reinhold Niebuhr has reminded us, groups tend to be more immoral than individuals.

We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed. Frankly, I have yet to engage in a direct action campaign that was ''well timed'' in the view of those who have not suffered unduly from the disease of segregation. For years now I have heard the word ''Wait!'' It rings in the ear of every Negro with piercing familiarity. This ''Wait'' has almost always meant ''Never.'' We must come to see, with one of our distinguished jurists, that ''justice too long delayed is justice denied.''

We have waited for more than 340 years for our constitutional and God given rights. The nations of Asia and Africa are moving with jetlike speed toward gaining political independence, but we still creep at horse and buggy pace toward gaining a cup of coffee at a lunch counter. Perhaps it is easy for those who have never felt the stinging darts of segregation to say, ''Wait.'' But when you have seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers at whim; when you have seen hate filled policemen curse, kick and even kill your black brothers and sisters; when you see the vast majority of your twenty million Negro brothers smothering in an airtight cage of poverty in the midst of an affluent society; when you suddenly find your tongue twisted and your speech stammering as you seek to explain to your six year old daughter why she can't go to the public amusement park that has just been advertised on television, and see tears welling up in her eyes when she is told that Funtown is closed to colored children, and see ominous clouds of inferiority beginning to form in her little mental sky, and see her beginning to distort her personality by developing an unconscious bitterness toward white people; when you have to concoct an answer for a five year old son who is asking: ''Daddy, why do white people treat colored people so mean?''; when you take a cross county drive and find it necessary to sleep night after night in the uncomfortable corners of your automobile because no motel will accept you; when you are humiliated day in and day out by nagging signs reading ''white'' and ''colored''; when your first name becomes ''nigger,'' your middle name becomes ''boy'' (however old you are) and your last name becomes ''John,'' and your wife and mother are never given the respected title ''Mrs.''; when you are harried by day and haunted by night by the fact that you are a Negro, living constantly at tiptoe stance, never quite knowing what to expect next, and are plagued with inner fears and outer resentments; when you are forever fighting a degenerating sense of ''nobodiness''—then you will understand why [I] find it difficult to wait.

I would now like to yield to my colleague Senator CRUZ from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Madam President, Dr. King's profoundly just and moral letter from the Birmingham jail continued:

There comes a time when the cup of endurance runs over, and men are no longer willing to be plunged into the abyss of despair. I hope, sirs, you can understand our legitimate and unavoidable impatience. You express a great deal of anxiety over our willingness to break laws. This is certainly a legitimate concern. Since we so diligently urge people to obey the Supreme Court's decision of 1954 outlawing segregation in the public schools, at first glance it may seem rather paradoxical for us consciously to break laws. One may well ask: ''How can you advocate breaking some laws and obeying others?'' The answer lies in the fact that there are two types of laws: Just and unjust. I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that ''an unjust law is no law at all.''

Now, what is the difference between the two? How does one determine whether a law is just or unjust? A just law is a man made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in eternal law and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distorts the soul and damages the personality. It gives the segregator a false sense of superiority and the segregated a false sense of inferiority. Segregation, to use the terminology of the Jewish philosopher Martin Buber, substitutes an ''I it'' relationship for an ''I thou'' relationship and ends up relegating persons to the status of things. Hence segregation is not only politically, economically and sociologically unsound, it is morally wrong and sinful. Paul Tillich has said that sin is separation. Is not segregation an existential expression of man's tragic separation, his awful estrangement, his terrible sinfulness? Thus it is that I can urge men to obey the 1954 decision of the Supreme Court, for it is morally right; and I can urge them to disobey segregation ordinances, for they are morally wrong.

Let us consider a more concrete example of just and unjust laws. An unjust law is a code that a numerical or power majority group compels a minority group to obey but does not make binding on itself. This is difference made legal. By the same token, a just law is a [law] that a majority compels a minority to follow and that it is willing to follow itself. This is sameness made legal. Let me give another explanation. A law is unjust if it is inflicted on a minority that, as a result of being denied the right to vote, had no part in enacting or devising the law. Who can say that the legislature of Alabama which set up that state's segregation laws was democratically elected? Throughout Alabama all sorts of devious methods are used to prevent Negroes from becoming registered voters, and there are some counties in which, even though Negroes constitute a majority of the population, not a single Negro is registered. Can any law enacted under such circumstances be considered democratically structured?

Sometimes a law is just on its face and unjust in its application. For instance, I have been arrested on a charge of parading without a permit. Now, there is nothing wrong in having an ordinance which requires a permit for a parade. But such an ordinance becomes unjust when it is used to maintain segregation and to deny citizens the First Amendment privilege of peaceful assembly and protest.

I hope you are able to see the distinction I am trying to point out. In no sense do I advocate evading or defying the law, as would the rabid segregationist. That would lead to anarchy. One who breaks an unjust law must do so openly, lovingly, and with a willingness to accept the penalty. I submit that an individual who breaks the law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law.

Of course, there is nothing new about this kind of civil disobedience. It was evidenced sublimely in the refusal of Shadrach, Meshach, and Abednego to obey the laws of Nebuchadnezzar, on the ground that a higher moral law was at stake. It was practiced superbly by the early Christians, who were willing to face hungry lions and the excruciating pain of chopping blocks rather than submit to certain unjust laws of the Roman Empire. To a degree, academic freedom is a reality today because Socrates practiced civil disobedience. In our own nation, the Boston Tea Party represented a massive act of civil disobedience.

We should never forget that everything Adolf Hitler did in Germany was ''legal'' and

everything that the Hungarian freedom fighters did in Hungary was ''illegal.'' It was ''illegal'' to aid and comfort a Jew in Hitler's Germany. Even so, I am sure that, had I lived in Germany at the time, I would have aided and comforted my Jewish brothers. If today I lived in a Communist country where certain principles dear to the Christian faith are suppressed, I would openly advocate disobeying that country's antireligious laws.

I must make two honest confessions to you, my Christian and Jewish brothers. First, I must confess that over the past few years I have been gravely disappointed with the white moderate. I have almost reached the regrettable conclusion that the Negro's great stumbling block in his stride toward freedom is not the White Citizen's Counciler or the Ku Klux Klanner, but the white moderate, who is more devoted to ''order'' than to justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice; who constantly says: ''I agree with you in the goal you seek, but I cannot agree with your methods of direct action''; who paternalistically believes he can set the timetable for another man's freedom; who lives by a mythical concept of time and who constantly advises the Negro to wait for a ''more convenient season.'' Shallow understanding from people of goodwill is more frustrating than absolute misunderstanding from people of ill will. Lukewarm acceptance is much more bewildering than outright rejection.

I had hoped that the white moderate would understand that law and order exist for the purpose of establishing justice and that when they fail in this purpose they become the dangerously structured dams that block the flow of social progress. I had hoped that the white moderate would understand that the present tension in the South is a necessary phase of the transition from an obnoxious negative peace, in which the Negro passively accepted his unjust plight, to a substantive and positive peace, in which all men will respect the dignity and worth of human personality. Actually, we who engage in nonviolent direct action are not the creators of tension. We merely bring to the surface the hidden tension that is already alive. We bring it out in the open, where it can be seen and dealt with. Like a boil that can never be cured so long as it is covered up but must be opened with all its ugliness for the natural medicines of air and light, injustice must be exposed, with all the tension its exposure creates, to the light of human conscience and the air of national opinion before it can be cured.

Madam President, I yield to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. I thank the Senator from Texas.

Continuing:

In your statement you assert that our actions, even though peaceful, must be condemned because they precipitate violence. But is this a logical assertion? Isn't this like condemning a robbed man because his possession of money precipitated the evil act of robbery? Isn't this like condemning Socrates because his unswerving commitment to truth and his philosophical inquiries precipitated the act by the misguided populace in which they made him drink hemlock? Isn't this like condemning Jesus because his unique God consciousness and never ceasing devotion to God's will precipitated the evil act of crucifixion? We must come to see that, as the federal courts have consistently affirmed, it is wrong to urge an individual to cease his efforts to gain his basic constitutional rights because the quest may precipitate violence. Society must protect the robbed and punish the robber. I had also hoped that the white moderate would reject the myth concerning time in relation to the struggle for freedom. I have just received a letter from a white brother in Texas. He writes: ''All Christians know that the colored people will receive equal rights eventually, but it is possible that you are in too great a religious hurry. It has taken Christianity almost two thousand years to accomplish what it has. The teachings of Christ take time to come to earth.'' Such an attitude stems from a tragic misconception of time, from the strangely irrational notion that there is something in the very flow of time that will inevitably cure all ills. Actually, time itself is neutral; it can be used either destructively or constructively. More and more I feel that the people of ill will have used time much more effectively than have the people of good will. We will have to repent in this generation not merely for the hateful words and actions of the bad people but for the appalling silence of the good people. Human progress never rolls in on wheels of inevitability; it comes through the tireless efforts of men willing to be coworkers with God, and without this hard work, time itself becomes an ally of the forces of social stagnation. We must use time creatively, in the knowledge that the time is always ripe to do right. Now is the time to make real the promise of democracy and transform our pending national elegy into a creative psalm of brotherhood. Now is the time to lift our national policy from the quicksand of racial injustice to the solid rock of human dignity.

You speak of our activity in Birmingham as extreme. At first I was rather disappointed that fellow clergymen would see my nonviolent efforts as those of an extremist. I began thinking about the fact that I stand in the middle of two opposing forces in the Negro community. One is a force of complacency, made up in part of Negroes who, as a result of long years of oppression, are so drained of self respect in the sense of ''somebodiness'' that they have adjusted to segregation; and in part of a few middle-class Negroes who, because of a degree of academic and economic security and because in some ways they profit by segregation, have become insensitive to the problems of the masses. The other force is one of bitterness and hatred, and it comes perilously close to advocating violence. It is expressed in the various black nationalist groups that are springing up across the nation, the largest and best known being Elijah Muhammad's Muslim movement. Nourished by the Negro's frustration over the continued existence of racial discrimination, this movement is made up of people who have lost faith in America, who have absolutely repudiated Christianity, and who have concluded that the white man is an incorrigible ''devil.''

I have tried to stand between these two forces, saying that we need emulate neither the ''do nothingism'' of the complacent nor the hatred and despair of the black nationalist. For there is the more excellent way of love and nonviolent protest. I am grateful to God that, through the influence of the Negro church, the way of nonviolence became an integral part of our struggle. If this philosophy had not emerged, by now many streets of the South would, I am convinced, be flowing with blood. And I am further convinced that if our white brothers dismiss as ''rabble rousers'' and ''outside agitators'' those of us who employ nonviolent direct action, and if they refuse to support our nonviolent efforts, millions of Negroes will, out of frustration and despair, seek solace and security in black nationalist ideologies—a development that would inevitably lead to a frightening racial nightmare.

Oppressed people cannot remain oppressed forever. The yearning for freedom eventually manifests itself, and that is what has happened to the American Negro. Something within has reminded him of his birthright of freedom, and something without has reminded him that it can be gained. Consciously or unconsciously, he has been caught up by the Zeitgeist, and with his black brothers of Africa and his brown and yellow brothers of Asia, South America and the Caribbean, the United States Negro is moving with a sense of great urgency toward the promised land of racial justice. If one recognizes this vital urge that has engulfed the Negro community, one should readily understand why public demonstrations are taking place. The Negro has many pent up resentments and latent frustrations, and he must release them. So let him march; let him make prayer pilgrimages to the city hall; let him go on freedom rides—and try to understand why he must do so. If his repressed emotions are not released in nonviolent ways, they will seek expression through violence; this is not a threat but a fact of history.

So I have not said to my people, ''Get rid of your discontent.'' Rather, I have tried to say that this normal and healthy discontent can be channeled through into the creative outlet of nonviolent direct action. And now this approach is being termed extremist. But though I was initially disappointed at being categorized as an extremist, as I continued to think about the matter I gradually gained a measure of satisfaction from the label. Was not Jesus an extremist for love: ''Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you.'' Was not Amos an extremist for justice: ''Let justice roll down like waters and righteousness like an ever flowing stream.'' Was not Paul an extremist for the Christian gospel: ''I bear in my body the marks of the Lord Jesus.'' Was not Martin Luther an extremist: ''Here I stand; I cannot do otherwise, so help me God.'' And John Bunyan: ''I will stay in jail to the end of my days before I make a butchery of my conscience.'' And Abraham Lincoln: ''This nation cannot survive half slave and half free.'' And Thomas Jefferson: ''We hold these truths to be self evident, that all men are created equal . . .'' So the question is not whether we will be extremists, but what kind of extremists we will be. Will we be extremists for hate or for love? Will we be extremists for the preservation of injustice or for the extension of justice? In that dramatic scene on Calvary's hill three men were crucified. We must never forget that all three were crucified for the same crime—the crime of extremism. Two were extremists for immorality, and thus fell below their environment. The other, Jesus Christ, was an extremist for love, truth and goodness, and thereby rose above his environment. Perhaps the South, the nation and the world are in dire need of creative extremists.

I yield to the Senator from Alaska.

The PRESIDING OFFICER (Mr. CASSIDY). The Senator from Alaska.

Ms. MURKOWSKI. He continues:

I had hoped that the white moderate would see this need. Perhaps I was too optimistic; perhaps I expected too much. I suppose I should have realized that few members of the oppressor race can understand the deep groans and passionate yearnings of the oppressed race, and still fewer have the vision to see that injustice must be rooted out by strong, persistent and determined action. I am thankful, however, that some of our

white brothers in the South have grasped the meaning of this social revolution and committed themselves to it. They are still all too few in quantity, but they are big in quality. Some—such as Ralph McGill, Lillian Smith, Harry Golden, James McBride Dabbs, Ann Braden and Sarah Patton Boyle—have written about our struggle in eloquent and prophetic terms. Others have marched with us down nameless streets of the South. They have languished in filthy, roach infested jails, suffering the abuse and brutality of policemen who view them as ''dirty nigger-lovers.'' Unlike so many of their moderate brothers and sisters, they have recognized the urgency of the moment and sensed the need for powerful ''action'' antidotes to combat the disease of segregation. Let me take note of my other major disappointment. I have been so greatly disappointed with the white church and its leadership. Of course, there are some notable exceptions. I am not unmindful of the fact that each of you has taken some significant stands on this issue. I commend you, Reverend Stallings, for your Christian stand on this past Sunday, in welcoming Negroes to your worship service on a nonsegregated basis. I commend the Catholic leaders of this state for integrating Spring Hill College several years ago.

But despite these notable exceptions, I must honestly reiterate that I have been disappointed with the church. I do not say this as one of those negative critics who can always find something wrong with the church. I say this as a minister of the gospel, who loves the church; who was nurtured in its bosom; who has been sustained by its spiritual blessings and who will remain true to it as long as the cord of life shall lengthen.

When I was suddenly catapulted into the leadership of the bus protest in Montgomery, Alabama, a few years ago, I felt we would be supported by the white church. I felt that the white ministers, priests and rabbis of the South would be among our strongest allies. Instead, some have been outright opponents, refusing to understand the freedom movement and misrepresenting its leaders; all too many others have been more cautious than courageous and have remained silent behind the anesthetizing security of stained glass windows. In spite of my shattered dreams, I came to Birmingham with the hope that the white religious leadership of this community would see the justice of our cause and, with deep moral concern, would serve as the channel through which our just grievances could reach the power structure. I had hoped that each of you would understand. But again I have been disappointed.

I have heard numerous southern religious leaders admonish their worshipers to comply with a desegregation decision because it is the law, but I have longed to hear white ministers declare: ''Follow this decree because integration is morally right and because the Negro is your brother.'' In the midst of blatant injustices inflicted upon the Negro, I have watched white churchmen stand on the sideline and mouth pious irrelevancies and sanctimonious trivialities. In the midst of a mighty struggle to rid our nation of racial and economic injustice, I have heard many ministers say: ''Those are social issues, with which the gospel has no real concern.'' And I have watched many churches commit themselves to a completely other worldly religion which makes a strange, un-Biblical distinction between body and soul, between the sacred and the secular.

I have traveled the length and breadth of Alabama, Mississippi and all the other southern states. On sweltering summer days and crisp autumn mornings I have looked at the South's beautiful churches with their lofty spires pointing heavenward. I have beheld the impressive outlines of her massive religious education buildings. Over and over I have found myself asking: ''What kind of people worship here? Who is their God? Where were their voices when the lips of Governor Barnett dripped with words of interposition and nullification? Where were they when Governor Wallace gave a clarion call for defiance and hatred? Where were their voices of support when bruised and weary Negro men and women decided to rise from the dark dungeons of complacency to the bright hills of creative protest?''

Yes, these questions are still in my mind. In deep disappointment I have wept over the laxity of the church. But be assured that my tears have been tears of love. There can be no deep disappointment where there is not deep love. Yes, I love the church. How could I do otherwise? I am in the rather unique position of being the son, the grandson and the great grandson of preachers. Yes, I see the church as the body of Christ. But, oh! How we have blemished and scarred that body through social neglect and through fear of being nonconformists.

There was a time when the church was very powerful—in the time when the early Christians rejoiced at being deemed worthy to suffer for what they believed. In those days the church was not merely a thermometer that recorded the ideas and principles of popular opinion; it was a thermostat that transformed the mores of society. Whenever the early Christians entered a town, the people in power became disturbed and immediately sought to convict the Christians for being ''disturbers of the peace'' and ''outside agitators.'' But the Christians pressed on, in the conviction that they were ''a colony of heaven,'' called to obey God rather than man. Small in number, they were big in commitment. They were too God-intoxicated to be ''astronomically intimidated.'' By their effort and example they brought an end to such ancient evils as infanticide and gladiatorial contests. Things are different now. So often the contemporary church is a weak, ineffectual voice with an uncertain sound. So often it is an archdefender of the status quo. Far from being disturbed by the presence of the church, the power structure of the average community is consoled by the church's silent—and often even vocal—sanction of things as they are.

But the judgment of God is upon the church as never before. If today's church does not recapture the sacrificial spirit of the early church, it will lose its authenticity, forfeit the loyalty of millions, and be dismissed as an irrelevant social club with no meaning for the twentieth century. Every day I meet young people whose disappointment with the church has turned into outright disgust.

Perhaps I have once again been too optimistic. Is organized religion too inextricably bound to the status quo to save our nation and the world? Perhaps I must turn my faith to the inner spiritual church, the church within the church, as the true ekklesia and the hope of the world. But again I am thankful to God that some noble souls from the ranks of organized religion have broken loose from the paralyzing chains of conformity and joined us as active partners in the struggle for freedom. They have left their secure congregations and walked the streets of Albany, Georgia, with us. They have gone down the highways of the South on tortuous rides for freedom.

Mr. President, I yield to my friend from Alabama and thank him for his leadership.

Mr. JONES. Mr. President, Dr. King continues:

Yes, they have gone to jail with us. Some have been dismissed from their churches, have lost the support of their bishops and fellow ministers. But they have acted in the faith that right defeated is stronger than evil triumphant. Their witness has been the spiritual salt that has preserved the true meaning of the gospel in these troubled times.

They have carved a tunnel of hope through the dark mountain of disappointment. I hope the church as a whole will meet the challenge of this decisive hour. But even if the church does not come to the aid of justice, I have no despair about the future. I have no fear about the outcome of our struggle in Birmingham, even if our motives are at present misunderstood. We will reach the goal of freedom in Birmingham and all over the nation, because the goal of America is freedom. Abused and scorned though we may be, our destiny is tied up with America's destiny. Before the pilgrims landed at Plymouth, we were here. Before the pen of Jefferson etched the majestic words of the Declaration of Independence across the pages of history, we were here. For more than two centuries our forebears labored in this country without wages; they made cotton king; they built the homes of their masters while suffering gross injustice and shameful humiliation—and yet out of a bottomless vitality they continued to thrive and develop. If the inexpressible cruelties of slavery could not stop us, the opposition we now face will surely fail. We will win our freedom because the sacred heritage of our nation and the eternal will of God are embodied in our echoing demands. Before closing I feel impelled to mention one other point in your statement that has troubled me profoundly. You warmly commended the Birmingham police force for keeping ''order'' and ''preventing violence.'' I doubt that you would have so warmly commended the police force if you had seen its dogs sinking their teeth into unarmed, nonviolent Negroes. I doubt that you would so quickly commend the policemen if you were to observe their ugly and inhumane treatment of Negroes here in the city jail; if you were to watch them push and curse old Negro women and young Negro girls; if you were to see them slap and kick old Negro men and young boys; if you were to observe them, as they did on two occasions, refuse to give us food because we wanted to sing our grace together. I cannot join you in your praise of the Birmingham police department.

It is true that the police have exercised a degree of discipline in handling the demonstrators. In this sense they have conducted themselves rather ''nonviolently'' in public. But for what purpose? To preserve the evil system of segregation. Over the past few years I have consistently preached that nonviolence demands that the means we use must be as pure as the ends we seek. I have tried to make clear that it is wrong to use immoral means to attain moral ends. But now I must affirm that it is just as wrong, or perhaps even more so, to use moral means to preserve immoral ends. Perhaps Mr. Connor and his policemen have been rather nonviolent in public, as was Chief Pritchett in Albany, Georgia, but they have used the moral means of nonviolence to maintain the immoral end of racial injustice. As T. S. Eliot has said: ''The last temptation is the greatest treason: To do the right deed for the wrong reason.''

I wish you had commended the Negro sit inners and demonstrators of Birmingham for their sublime courage, their willingness to suffer and their amazing discipline in the midst of great provocation. One day the South will recognize its real heroes. They will be the James Mereditths, with the noble sense of purpose that enables them to face jeering and hostile mobs, and with the agonizing loneliness that characterizes the life

of the pioneer. They will be old, oppressed, battered Negro women, symbolized in a seventy two year old woman in Montgomery, Alabama, who rose up with a sense of dignity and with her people decided not to ride the segregated buses, and who responded with ungrammatical profundity to one who inquired about her weariness: ''My feets is tired, but my soul is at rest.'' They will be the young high school and college students, the young ministers of the gospel and a host of their elders, courageously and nonviolently sitting in at lunch counters and willingly going to jail for conscience' sake. One day the South will know that when these disinherited children of God sat down at lunch counters, they were in reality standing up for what is best in the American dream and for the most sacred values in our Judeo Christian heritage, thereby bringing our nation back to those great wells of democracy which were dug deep by the founding fathers in their formulation of the Constitution and the Declaration of Independence.

Never before have I written so long a letter. I'm afraid it is much too long to take your precious time. I can assure you that it would have been much shorter if I had been writing from a comfortable desk, but what else can one do when he is alone in a narrow jail cell, other than write long letters, think long thoughts, and pray long prayers?

If I have said anything in this letter that overstates the truth and indicates an unreasonable impatience, I beg you to forgive me. If I have said anything that understates the truth and indicates my having a patience that allows me to settle for anything less than brotherhood, I beg God to forgive me.

I hope this letter finds you strong in the faith. I also hope that circumstances will soon make it possible for me to meet each of you, not as an integrationist or a civil-rights leader but as a fellow clergymen and a Christian brother. Let us all hope that the dark clouds of racial prejudice will soon pass away and the deep fog of misunderstanding will be lifted from our fear drenched communities, and in some not too distant tomorrow the radiant stars of love and brotherhood will shine over our great nation with all their scintillating beauty.

Yours for the cause of Peace and Brotherhood,

MARTIN LUTHER KING, JR.

Mr. President, I am struck by a fortuitous phrase in the closing of this remarkable letter: ''One day the South will recognize its real heroes.''

The South will recognize its real heroes indeed—heroes like Dr. King, like Rosa Parks, like my old friend Fred Shuttlesworth; heroes like Congressman JOHN LEWIS, like Fannie Lou Hamer, like Ida B. Wells; heroes like the countless others who stood alongside them in the fight for civil rights and like the innocent victims swept up in the brutal crackdowns during this hopeful movement toward universal human dignity.

We carry on their legacy in our daily lives—in our schools, in our houses of worship, in our workplaces, and throughout our society. That includes in the institution of the U.S. Senate. It is also carried on in the work of Dr. King's family members, like Martin Luther King III.

Dr. King wrote his letter in the midst of this struggle and knew that much work still lay ahead. Less than 6 months after his arrest, the Klan in Birmingham planted a bomb outside the ladies' lounge of the 16th Street Baptist Church, and it killed four innocent young African-American girls.

A year later, though, Congress passed the Civil Rights Act of 1964. The year after that, it passed the Voting Rights Act of 1965. Historic changes were afoot. Yet, despite this incredible historic progress—or perhaps because of it—in April 1968, Dr. Martin Luther King, Jr., was assassinated in Memphis, TN. He was just 39 years old. He gave his life for this cause. He gave his life in a struggle during which so many gave their lives.

We have to remember this is not ancient history. We know that we still have our challenges albeit in a world that has, no doubt, benefited tremendously from the progress he achieved, but it is still a work in progress. It will always be a work in progress.

If we truly believe in carrying on his legacy, we must recognize that we cannot stand idly by when we see injustice and that we cannot stand idly by when we see a reemergence of hateful rhetoric in our public discourse. We have seen it before. We have seen it before in Birmingham and elsewhere. We have seen before the devastating violence that can follow, and it lives with us today. It lives with us today in tragedies like those of Charleston, Charlottesville, Pittsburgh, and now New Zealand.

We need to strive not just for civility but to make sure we live in a country that does not hold each other in contempt. That bears repeating. We talk a lot in this Chamber about civility and respect and dignity, but the fact is, when we leave this Chamber and go out into the world, people will hold each other in contempt more so than is just public discourse. That has to change, ladies and gentlemen. It has to change. Importantly, we—each of us—should continue to do our part to ensure that the art of the moral universe continues to bend toward justice.

I thank my colleagues who joined me this evening for this historic event. It has been an honor and a privilege.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Ohio.

REMEMBERING LIEUTENANT COLONEL RICHARD COLE

Mr. BROWN. Madam President, we lost an American hero today—the last in the line of heroes that will I explain in a moment. He was Ohio native Lt. Col. Richard Cole, and he was the last of the fabled Doolittle Raiders.

In the spring of 1942, the Nation was reeling from Pearl Harbor, and 80 Americans embarked on a mission that many thought to be impossible. They knew the dangers. They knew many of them would not come home. The Raiders showed America and the world that the United States and the Allied Forces could win the war. It was considered a turning point in the news coverage and in people's minds.

Like my dad, the Doolittle Raiders came from a generation that spoke proudly of their service to their country. They rarely drew attention or talked much about their own courage. They sought no recognition but, oh, how they earned it.

It was an honor to help award the Congressional Gold Medal to the Doolittle Raiders in Washington 4 years ago—a long time in coming and so deserved. I believe, at that time, there were five Doolittle Raiders left, and after the death of Mr. COLE, there are none today.

I am so glad that Dick Cole was able to live to receive that medal, as were a handful of others. These men are no longer with us, so it is all the more important that we continue to tell their story. My heart goes out to the families and friends of Lieutenant Colonel Cole and to those of all the Raiders. I thank the Doolittle Tokyo Raiders Association for keeping that memory alive.

NOMINATION OF CHERYL MARIE STANTON

Madam President, President Trump has made big promises to workers in Alaska and Ohio and across the country. He has promised workers everywhere that he will put American workers first. Yet we know in Lordstown and from his court appointments, which have put a thumb on the scale of justice as they have chosen corporations over workers, that he has betrayed those workers. The people he has put in charge haven't looked out for workers. Over and over again, they have put their thumbs on the scale for corporations. His Cabinet, frankly, looks like a retreat for Wall Street.

His latest nominee for the Department of Labor is more of the same, another nominee who puts corporations over workers. Cheryl Stanton is nominated to be Administrator of the Wage and Hour Division.

This is not an especially well-known Agency to most Americans, but it is a critical job for all American workers. The Administrator is the person in charge of enforcing overtime rules, the minimum wage, child labor, and the Family Medical Leave Act. These are all Federal laws. The minimum wage is a Federal law. The overtime rule is a Federal law. The Family Medical Leave Act is a Federal law, as is the law regarding child labor. These are all Federal laws, but they don't mean much if they are not enforced.

You don't want a fox in a chicken coop. You want to make sure that these laws are enforced by somebody who is not on the side of corporate interests, as too many in this Senate are and as too many in this administration are; you want somebody who is on the side of the workers. The job of Administrator of the Wage and Hour Division should be to look out for American workers when companies try to cheat them out of the pay that they have earned.

But Ms. Stanton spent a decade defending corporations—that is right, defending the corporations against American workers when they stole workers'

wages. So she has been on the side of these companies when workers tried to make sure they got fair wages and fair overtime and that child labor laws were protected and the Family Medical Leave Act. She has taken the other side, that of the corporations. Now the President has put her in a job where she is supposed to look out for workers, but who knows if she will really do that.

Let's look at some of her history: a decade defending corporations and then she headed South Carolina's workforce agency that manages State unemployment insurance. When accounting errors resulted in overpayments of unemployment insurance—these weren't errors made by workers; these were accounting errors made that the workers didn't have anything to do with. When accounting errors resulted in overpayments of unemployment insurance to workers looking for jobs, she went after the workers, garnishing their wages.

Maybe worst of all, interestingly, she failed to pay her own house cleaners until they took her to court. Think about that. The person who is supposed to be in charge of making sure corporations pay their workers, whether it is minimum wage, whether it is overtime, whether it is enforcing child labor laws, whether it is enforcing the Family Medical Leave Act—she is the person who is supposed to be in charge of making sure corporations pay their workers, and she didn't pay workers at her own house.

If you want to get a measure of a person, look at how they treat people whom they are allowed to mistreat, say it that way. Look at how they treat people who have less power than they do; how they treat the waitstaff at a restaurant, how they treat the entry-level staff in their office, how they treat the person who cleans their hotel room or cleans their office.

My favorite quote from the Bible—one of my favorite quotes—is from Matthew 25, when Jesus said as follows:

> When I was hungry, you fed me; when I was thirsty, you gave me drink; when I was a stranger, you welcomed me. What you did for the least of these, you did for me.

I thought about that, and I know there is no way Jesus or Muhammad or Buddha or any of the great religious leaders would say somebody is worth less than somebody else, that a page is worth less than a Parliamentarian, for instance, or that the Presiding Officer is worth less than the person who is sitting at the desk.

So Matthew 25 is exactly right. No worker is worth less than Ms. Stanton. No Senator is worth more or less than anybody else. I mean, Matthew 25 speaks to equality, speaks to the sort of way we should be treating people who may have lesser titles than we have.

I think of that when I think about Ms. Stanton and the job she has been nominated for. The workers whom she will be in a position to help or hurt—her career so far, she has been in positions where she has hurt workers, but the position she is in that she can help or hurt workers, these workers shouldn't be treated with less respect. Their work has dignity. Whether they swipe a badge or punch a clock, whether they work for tips, whether they work on a salary, whether they raise children, whether they take care of an aging parent, their work has dignity.

If you love your country, you fight for the people who make it work, regardless of their kind of work. Whether they are working construction, whether they are a nurse, whether they are a housekeeper, whether they are a salesperson, whether they work at a counter in a fast-food restaurant, whether they are a page, whether they are a Senator, all work has dignity.

I think it is important, when you think about Ms. Stanton and the job she has, that these workers have earned this pay, whether it is minimum wage, whether it is overtime, whether it is child labor laws, whether it is the Family Medical Leave Act.

When work has dignity, people are paid the wages they earn; they are paid a living wage; they have power over their schedules. It is about wages; it is about benefits; it is about the dignity of work; and it is about a safe workplace; it is about childcare. It is about all of those things.

Workers should not be intimidated into accepting less just because they can't afford a fancy law firm. We need people in government who understand that. We need people who understand that, when you love this country, you fight for those people who make it work.

The last thing we need is an administration with more people serving in Washington who don't value work or respect the Americans who do.

This is another nominee from the President of the United States who will put her thumb or who has put his thumb on the scale to support corporations over workers, to support Wall Street over consumers, to support big insurance companies over sick people. We don't need another one of those in this administration, whether at EPA, whether at the Department of Labor, whether at the Federal Reserve, or whether at the White House.

I urge my colleagues, as this nomination comes forward, as Ms. Stanton comes forward to be Chief of the Wage and Hour Division—Cheryl Stanton—to be Administrator for the Wage and Hour Division, I urge my colleagues to listen a little more to the Americans whom we serve and a little less to big corporations that always have their way in this body—always have their way in this body. I urge my colleagues to listen a little less to those corporations trying to squeeze every last penny out of their workers and reject this nomination.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASSIDY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FISCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING OFFUTT AIR FORCE BASE

Mrs. FISCHER. Mr. President, I rise to commend the incredible work done by the men and women of Offutt Air Force Base during the historic flooding that has affected the State of Nebraska.

Offutt Air Force Base is home to some of our Nation's most essential missions. The men and women of STRATCOM stand constant vigil. They provide command and control for the U.S. nuclear deterrent and maintain watch over space operations, missile defense, and global strike.

Airmen of the 55th Wing execute some of the most sensitive and complex missions, ensuring that battlefield commanders and the Nation's decision makers have the most up-to-date intelligence, surveillance, and reconnaissance information available.

The Air Force's only weather wing, the 557th Weather Wing, provides timely, accurate, and relevant weather information at any time and for any place around the globe.

Throughout Offutt, many other tenant units work in tandem with base leadership to fulfill vital missions that support our national security. These men and women pride themselves on being ready for every threat, but the arrival of a once-in-50-year weather event provided a test unlike any other they have previously faced.

In 2019, Nebraska has seen severe flooding—the worst and most widespread natural disaster in the history of our State. When the waters began to rise, the lives of those at Offutt and the base's critical equipment were put at risk, and the response was immediate. With less than 48 hours to prepare, highly essential aircraft such as the RC–135 were quickly routed to safe locations. The planes that could not be relocated were moved to higher ground. Contingency plans were put in place to ensure continuity of operations.

Across the installation, scores of airmen turned out to answer the call and move sensitive electronics and valuable equipment away from the reach of damage, fighting as a team against the oncoming flood.

Personnel worked around the clock to fortify facilities with more than 235,000 sandbags and 460 flood barriers to minimize damage as much as possible. These men and women mounted a Herculean effort to defend their base and do everything possible to protect their fellow airmen.

Across Offutt, we have seen a remarkable demonstration of what makes this base so very special: everyday airmen offering to do all they could to protect the base, personnel working tirelessly to ensure the highly critical operations of STRATCOM and

the 55th Wing were not negatively impacted, and, above all, a unifying spirit of dedication and purpose that showed the world that, when disaster strikes, there is nothing that can keep the men and women of Offutt Air Force Base from answering the call of duty.

I am extremely proud to have the privilege of representing everyone who makes this base such a key part of our national security. There is no finer representation of what it means to serve than the selfless work of the personnel at Offutt who responded to this emergency.

Despite the outstanding efforts made in preparation for this natural disaster, Mother Nature took a toll on the base. At the flood's peak, one-third of Offutt Air Force Base was underwater. Eighty facilities at the base have been impacted, and waters crested at a depth of 16 feet. More than 3,000 personnel were displaced from their work centers, and 1.2 million square feet of office space was underwater.

The damage across the installation is extensive, and it will take a concerted effort to ensure that the impacts from the flooding are resolved and that the base is fully restored.

I urge my colleagues to work together with the Nebraska delegation to ensure that when the full accounting of the impacts from the flood are assessed, we provide the Air Force with the full resourcing it needs to repair that damage.

The good news is, our service men and women at Offutt are already hard at work on the process of putting Offutt back on its feet.

As the water recedes, personnel have been working hard to account for the damage and take action to resume the operations that were suspended as a result of this disaster.

One of the signature sounds of the Bellevue, NE, community is the distant rumble of the engines of the aircraft that depart from and land at Offutt every day. During the flooding, that unmistakable sound was absent. Now that sound is back at Offutt.

Last week, the runway was certified for operation, and the first of our relocated planes came home.

We should not operate under any misperceived notions that repairing Offutt will happen overnight. This is going to be a step-by-step process. But with the hard work of the Air Force, Congress, and the local community, we can rebuild Offutt Air Force Base even better than it was before.

I wish to offer my thanks to everyone at Offutt Air Force Base who dedicated their time and energy to responding to this disaster. I also want to thank the heroic men and women of the Nebraska National Guard who provided aerial damage assessment during the flooding. Thank you to the countless members of the Bellevue and Omaha communities who donated food, equipment, and offered to volunteer during the flooding.

As we look to the days ahead, I am confident that both Offutt and Nebraska will emerge from this disaster stronger.

Now is a time when we must focus on the future. We will rebuild and ensure that Offutt remains Nebraska Strong.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF CHERYL MARIE STANTON

Mr. LEE. Mr. President, I come to the floor this afternoon to speak in support of my friend Cheryl Marie Stanton, who is well qualified to be the Administrator of the Wage and Hour Division within the U.S. Department of Labor. In her previous role as executive director for the South Carolina Department of Employment and Workforce, she gained valuable experience that will prepare her well for the role she is about to take on within the U.S. Department of Labor. She is also someone who has vast experience in labor and employment law, both in public life and in the private sector. She also served as Associate White House Counsel, as liaison to the Department of Labor.

Cheryl currently works at the Social Security Administration as associate to the Chief of Staff. She previously served as the executive director for the South Carolina Department of Employment and Workforce, to which she was appointed by then-Governor Nikki Haley in 2013.

Cheryl is someone I have known for more than 20 years. Like me, Cheryl served as a law clerk to then-Judge Samuel Alito on the U.S. Court of Appeals for the Third Circuit. Although we never clerked at the same time—she clerked the year before, and I got to know her through mutual friends initially and then got to know her independently through that clerkship experience—she is someone who is well regarded within the Alito chambers as being a hard-working law clerk and someone who everyone enjoyed working with and getting to know.

I still remember many years ago, when she was serving at the White House Counsel's Office as Associate Counsel, she took my family and me on a tour of the White House and showed genuine interest in them. This is the kind of person who comes with a lot of academic and professional qualifications. When you add to that this X factor, this intangible factor of being someone who is genuinely interested in people, genuinely interested in their well-being, their welfare, and making sure they are informed and happy, this is exactly the kind of person we would want in a position like this one.

Her academic credentials are, of course, impeccable. She received her law degree from the University of Chicago Law School and her undergraduate degree from Williams College.

In short, Cheryl Stanton is someone I look forward to voting for and confirming to this position within the Department of Labor. I urge my colleagues to support her nomination.

Thank you.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

HEALTHCARE

Ms. STABENOW. Mr. President, it seems that every week now, I come to the floor to say the same thing, which is that healthcare is not political; it is personal. There is no part of healthcare that is more personal than the decision regarding if, when, and under what circumstances to have a child. And that certainly is the case when things go terribly wrong, which they sometimes do. These reproductive health decisions need to be made by women in consultation with their doctors, their families, and their faith. That is what the Supreme Court has ruled. They should not be made by politicians—mainly men—looking to score political points from women's personal tragedies. Yet, once again, that is what the Republicans are doing right now.

I have a question. How dare you pretend to care about the health of women and babies when all of your actions suggest otherwise?

Unfortunately, Republicans haven't noticed, but we have a real healthcare crisis involving women and babies in this country. In most of the world, fewer and fewer women are dying from childbirth—not here in the United States. Our maternal mortality rate is climbing. More women are dying. Our infant mortality rate ranks a shameful 32 among the world's 35 wealthiest nations. That means we have more babies who aren't surviving through the first year of their life because of lack of healthcare, nutrition, and other issues.

The Republican majority should be working with us and taking action to improve health outcomes for moms and babies. Instead, they are busy trying to take away their healthcare.

Between 2010 and 2018, the Republican majority in Congress voted to repeal or weaken the Affordable Care Act more than 70 times—7–0. Now the Trump administration has stepped in to help. Last June and August, they expanded access to association health plans and short-term plans. We just call them junk plans because they don't cover so many basics, like prescription drugs, mental health care, and—you guessed it—maternity care.

Let me remind everyone that before the Affordable Care Act, most insurance companies did not cover prenatal care and maternity care as a basic part of healthcare. Women had to go out

and pay extra, get a rider to cover something that is a basic part of our healthcare.

Thanks to these junk plans that don't cover maternity care, and other sabotage, it is estimated that right now comprehensive health insurance costs 16.6 percent more than it otherwise would because of these efforts to undermine, sabotage, and take away healthcare. Does that sound like the Republican majority cares about moms and babies?

Now the Department of Justice has announced that it agrees with the Federal judge in Texas who said the entire Affordable Care Act must be struck down. This is something the President has enthusiastically embraced.

The entire Affordable Care Act is at stake, including Medicaid expansion for low-income workers who want to work but now have to choose between working and having healthcare coverage, children staying on their parents' plans until age 26, and protections for people with preexisting conditions.

In other words, if a baby is born with spina bifida, a heart defect, a genetic condition, or any other health problem, insurance companies would once again, under these plans, be able to deny them coverage or subject them to lifetime limits like we used to have. Does that sound like policies that care about moms and babies?

By the way, to emphasize that they support President Trump 100 percent, 2 weeks ago Senate Republicans passed a budget resolution out of committee on a party-line vote that once again has language to repeal the Affordable Care Act with no replacement. Sorry, moms and babies, you are on your own. And don't go looking to Medicaid for health coverage either. The Trump budget would cut $1.5 trillion from Medicaid over 10 years—trillion. That is the same Medicaid that covers half of all babies born in America. When you gut Medicaid, you are keeping moms and babies from getting the healthcare they need. Does that sound as though Republicans care about moms and babies?

If our Republican colleagues really care about the health of moms and babies, here is what they should be doing and joining us to do: They would pass a bill to guarantee that every insurance plan covers prenatal and maternity care, like what is available under the Affordable Care Act. They would reaffirm the Affordable Care Act's protections for people with preexisting conditions, not just saying the words but actually making sure people with preexisting conditions are covered. And they would strengthen healthcare for moms and babies through the Children's Health Insurance Program and Medicaid.

A few years ago, the Finance Committee reported out a bill that I led with Senator GRASSLEY called the Quality Care for Moms and Babies Act. This bill would create a set of maternal and infant quality care measures under CHIP and Medicaid—the Children's Health Insurance Program and Medicaid. The goal is simple: improving maternal and infant health outcomes. We need quality standards across the country.

Right now, half the births are through Medicaid. There are not consistent quality standards across the country to make sure there are healthy opportunities for prenatal care and maternity care.

The Quality Care for Moms and Babies Act would help make sure that every mom gets the best pregnancy care possible and every baby gets a healthy start. If our Republican colleagues care so much about the health of moms and babies, instead of politicizing issues around reproductive health and women's ability to make their own choices—instead of politicizing what is happening around reproductive health, they would join us in making the Quality Care for Moms and Baby Act a reality.

It is time to stop the cynical, political stunts. It is time to trust women to make the best reproductive healthcare decisions for themselves, their families, and their futures. It is time to take action to resolve the maternal and infant health crisis in this country. It is also time to ensure that every mom and every baby has the healthcare they need for a healthy life.

This is the United States of America; we can do better for our moms and babies than is currently being done. Democrats are ready to take real action to join with our Republican colleagues. It is time they join us in protecting the health of moms and babies.

I yield the floor.

The PRESIDING OFFICER (Ms. MCSALLY). Under the previous order, all postcloture time is expired.

The question is, Will the Senate advise and consent to the Wyrick nomination?

Ms. STABENOW. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 68 Ex.]

YEAS—53

Alexander	Fischer	Perdue
Barrasso	Gardner	Portman
Blackburn	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Hawley	Romney
Braun	Hoeven	Rounds
Burr	Hyde-Smith	Rubio
Capito	Inhofe	Sasse
Cassidy	Isakson	Scott (FL)
Collins	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	McConnell	Tillis
Cruz	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Paul	

NAYS—47

Baldwin	Hassan	Rosen
Bennet	Heinrich	Sanders
Blumenthal	Hirono	Schatz
Booker	Jones	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Sinema
Cardin	Klobuchar	Smith
Carper	Leahy	Stabenow
Casey	Manchin	Tester
Coons	Markey	Udall
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Peters	Wyden
Harris	Reed	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Cheryl Marie Stanton, of South Carolina, to be Administrator of the Wage and Hour Division, Department of Labor.

John Thune, Thom Tillis, Steve Daines, James Lankford, John Boozman, John Cornyn, Mike Crapo, Roy Blunt, Mike Rounds, John Hoeven, Pat Roberts, Richard Burr, David Perdue, Roger F. Wicker, Lindsey Graham, James E. Risch, Mitch McConnell.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Cheryl Marie Stanton, of South Carolina, to be Administrator of the Wage and Hour Division, Department of Labor, be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 53, nays 47, as follows:

[Rollcall Vote No. 69 Ex.]

YEAS—53

Alexander	Fischer	Perdue
Barrasso	Gardner	Portman
Blackburn	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Hawley	Romney
Braun	Hoeven	Rounds
Burr	Hyde-Smith	Rubio
Capito	Inhofe	Sasse
Cassidy	Isakson	Scott (FL)
Collins	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	McConnell	Tillis
Cruz	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Paul	

NAYS—47

Baldwin	Hassan	Rosen
Bennet	Heinrich	Sanders
Blumenthal	Hirono	Schatz
Booker	Jones	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Sinema
Cardin	Klobuchar	Smith
Carper	Leahy	Stabenow
Casey	Manchin	Tester
Coons	Markey	Udall
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Peters	Wyden
Harris	Reed	

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 47.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

EXECUTIVE CALENDAR

THE PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Cheryl Marie Stanton, of South Carolina, to be Administrator of the Wage and Hour Division, Department of Labor.

The PRESIDING OFFICER. The Senator from Washington.

NOMINATION OF CHERYL MARIE STANTON

Mrs. MURRAY. Madam President, I come to the floor tonight to oppose the nomination of Cheryl Stanton to serve as Administrator of the Department of Labor's Wage and Hour Division.

The Wage and Hour Division enforces some of our Nation's most important workplace laws, including the Federal minimum wage, overtime pay, child labor laws, and family and medical leave. Yet, Ms. Stanton has a very long history of siding with employers when they have violated workers' rights. So I will be voting against this nomination, and I urge my colleagues to do the same.

I also want to object to the Senate moving on Republican labor nominees without approving nominations for the Equal Employment Opportunity Commission and the National Labor Relations Board.

Last Congress, in an unprecedented display of obstruction, my colleagues across the aisle blocked the confirmation of Chai Feldblum and Mark Pearce for terms on the EEOC and NLRB, respectively.

Even though both of these nominees were highly qualified, respected by their peers, Senate Republicans refused to give them a vote.

These are critical Agencies that are responsible for protecting workers' rights. Yet my colleagues across the aisle were more interested in tilting the playing field even more in favor of corporations than providing the Commission and the Board with balanced voices.

Despite longstanding practice to confirm majority and minority members to independent Agencies, my colleagues across the aisle jammed through Republican nominees only to the Board without Mr. Pearce, the Democratic nominee.

Republican leaders allowed one Senator to block the nomination of Ms. Feldblum to the EEOC, meaning that important civil rights agency is unable to do some of its most critical work.

In this moment, as our Nation is grappling with how to address the epidemic of sexual assault and harassment in the workplace, hamstringing the Agency that is responsible for protecting women's rights and safety is absolutely the wrong message to send to women, to workers, and to businesses.

So I am going to keep fighting to make sure the nominees to the National Labor Relations Board and the Equal Employment Opportunity Commission represent all voices, as they are supposed to, not just corporations.

I urge every man, woman, and worker who believes workers should have a voice to join me in that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

CHINA

Mr. PORTMAN. Madam President, I am on the Senate floor to talk about the importance of trade and specifically our country's economic relationship with China.

As a trade lawyer, as a former U.S. Trade Representative, as a member of the Finance Committee now that handles trade issues, I have been involved in these issues over the years.

Most importantly, I am from Ohio, which is a huge trade State. We are concerned about trade because we have a lot of manufacturing and a lot of agriculture, where jobs depend on trade back and forth. In fact, in Ohio, about 25 percent of our manufacturing workers make products that get exported, and one out of every three acres planted by Ohio farmers is now being exported.

These are good jobs. These are jobs that pay, on average, about 16 percent more than other jobs and have better benefits. We want more of them.

With only 5 percent of the world's population and about 25 percent of the world's economy, America wants access to the 95 percent of the consumers living outside of our borders. It is always in our interest to open up overseas markets for our workers, our farmers, and our service providers.

While promoting exports, we also have to be sure we protect American jobs from unfair trade, from imports that would unfairly undercut our farmers and our workers, our service providers. Simply put, we want a level playing field, where there is fair and reciprocal treatment. If it is fair, if we have a level playing field, I believe American workers and businesses can compete and win.

The sweet spot for America is this balanced approach: opening up new markets for U.S. products, while being tougher on trade enforcement so American workers have the opportunity to compete.

In that context, I want to talk a little about the inequities in our relationship with China. We don't have a level playing field with China, and it is one of the most important policy issues that faces our country today.

It is certainly really important to Ohio. Ohio sells a lot of products—auto parts, aerospace parts, and other things—to China. We also sell a lot of oilseeds and grains, particularly soybeans—about $700 million worth every year. China is actually our third biggest trading partner in Ohio after Canada and Mexico.

Yet, despite these exports, we have a trade deficit with China because they send a lot more to us than we send to them, and it is not always fair trade.

As an example, Ohio has been ground zero for steel imports coming in because of government-directed overcapacity in China. Our steel mills have been hit hard because, to put it bluntly, China has not been playing by the rules.

In 2000, China produced about 15 percent of the world's steel. Today, thanks to massive subsidies and other forms of state intervention, they now produce about 50 percent. So, again, about 19 years ago, they produced 15 percent of the world's steel; now they produce 50 percent of the world's steel, and they do it, again, through the government subsidizing them.

They often sell that steel at below its cost. They don't need it in China so they are trying to push it out to other countries. They transship it to try to avoid our anti-dumping duties or our countervailing duties, which were put in place because China wasn't playing by the rules. So we find out they are selling below their cost, which is dumping, or we find out they are subsidizing, we win a trade case, but then China sends that product to a third country that then sends it to us, therefore, evading the tariffs we put in place to deal with the unfairness.

It hits our plants hard in Ohio, but it also reduces the cost of steel around the world.

When it comes to our bilateral economic relationship, there is little or no transparency from China when it comes to their regulations, their approvals for inbound foreign direct investment into China, and the required notification of subsidies that is required by the World Trade Organization.

This lack of transparency, of course, frustrates American businesses, and it violates China's international obligations.

China also exhibits a lack of reciprocity. Its market is substantially more closed to American companies than our market is to their companies. We have Chinese companies in Ohio. They don't have to be in a joint venture with a 51-percent Ohio partner, American partner; they can own the whole thing. They don't have to go through this process of approvals that American companies have to go through, where often their intellectual property is taken.

China, as we all know, has relatively higher tariffs than the United States—on average, about a 10-percent tariff in China versus our 3.4 percent tariff, but that is not the biggest problem.

The biggest problem is a host of what are called nontariff barriers. Some keep out our ''Made in America'' products and others coerce the production of those products to be in China. So if you want to sell in China, you have to produce in China, and that is in order to transfer this valuable intellectual property from U.S. companies to Chinese companies.

Investment is not reciprocal either. According to the U.S. Trade Representative in its section 301 report on China, in 2016, the OECD—Organization for Economic Cooperation and Development—ranked China the fourth most restrictive investment climate in the world, despite their being the second largest economy in the world.

So of all the countries in the world, OECD ranked them the fourth most restrictive in terms of accepting foreign investment.

Based on this report, China's investment climate, then, is nearly four times more restrictive than that of the United States.

So the confluence of these two factors—the lack of transparency and reciprocity—stem from China's Communist Party-led nonmarket economy. While China made an effort after joining the World Trade Organization to become more market oriented, in recent years, they have actually moved away from more market-based reforms and instead doubled down on the kind of mercantilism you would expect in the last century but revamped for the 21st century.

In doing so, China has placed enormous strain on the world's trading system and, in turn, has undermined American jobs, American workers, and America's overall competitiveness.

When I served as U.S. Trade Representative, I said that the United States-China trade relationship lacked equity, durability, and balance. Sadly, that is still the case today. We didn't have a level playing field then.

Since that time, the conduct has even worsened. China has invested large sums of money in industrial capacity, subsidizing production that impacted industries in places like the United States but also Japan, the European Union, and many developing countries.

China has embarked on a so-called indigenous innovation campaign backed by hundreds of billions of dollars and the full weight of its nontransparent regulatory apparatus. This intent of the indigenous innovation campaign seems to be directed primarily at us but also other countries around the world that are innovating.

The United States has been the leader in many innovative technologies, and now China is attempting to be the leader. Think of artificial intelligence or 5G.

China's embrace of techno-nationalism has undercut critical commitments it has made to open up its markets, protect intellectual property rights, adhere to internationally recognized labor rights, and meet its WTO commitments on unfair trade practices, such as illegal subsidies.

Without changes to these practices, as long as the inequities and imbalances persist, the durability of our economic relationship remains in question.

I understand China is not going to become a free market economy anytime soon, and while I hope we can have a more market-oriented economy someday and we can move toward that in China, as they were moving that way after joining the WTO, I think it is vital that we at least demand a level playing field in the meantime.

That is why I have supported the Trump administration's efforts to demand structural changes as part of its ongoing negotiations with Beijing. This takes the form of a few different things. One is addressing our huge trade deficit—that is part of the negotiations—so China would buy more soybeans and might buy more LNG, liquefied natural gas. That is all good, but this agreement must also deal with these other issues, like forced technology transfers and dealing with nonmarket practices, like state-owned enterprises and other subsidies.

Addressing the first issue by selling additional soybeans and liquefied natural gas to China is a positive step forward, but a short-term reduction of our trade deficit, which is out of balance, isn't enough. We have to seek progress on these sustainable structural changes so we can count on a fair trading relationship between two now mature trading partners.

Ambassador Lighthizer, who is the current U.S. Trade Representative, is a tough negotiator. I feel confident that he understands this, and he is going to ensure that we not only improve the imbalance in our trade deficit but also—if we get these structural changes we need—bring home a strong and sustainable agreement.

That leads me to my next point. Any agreement must not just address these important structural problems, but it also has to be enforceable. Without enforceability, it is going to be impossible to make any real, meaningful progress in our economic relationship based on the past. We also have to do more than merely enforce by negotiation. I support consultations and consistent engagement; that is also good. But there also has to be some enforcement mechanisms with some consequences.

While I look forward to seeing the agreement that we come up with China—and I hope it happens soon—I would like to offer a few suggestions related to enforceability.

First, I favor reviving a China-specific safeguard to provide both due process and an effective response to surges with Chinese imports that injure U.S. domestic industry, such as the high-tech products or those derived from nonmarket practices we talked about earlier.

One model to consider is section 421 of the Trade Act of 1974. Now expired, section 421 was a China-specific safeguard that was created, pursuant to China's WTO Accession Protocol, to guard against increased imports from China—surges—with less demanding requirements than that afforded market economies. I think it would be good to get back to that.

Second, strong trade laws have been successful in addressing some of the externalities caused by China's nonmarket practices. We have to continue to enforce those laws. Consider the 266-percent tariff that is currently in place with regard to imports of cold-rolled steel from China. That was because we brought a trade case, and we won the trade case using internationally accepted criteria as to what constitutes dumping and subsidies. Nonmarket economy methodologies give our trade remedy tools extra heft when deployed against these unfair imports from countries like China, which lack the market-driven system found everywhere else in the world.

China knows the effectiveness of our trade laws, especially the nonmarket economy methodologies we use to get that 266-percent tariff in place, and has therefore challenged the use of these methodologies. China has challenged this at the World Trade Organization. I hope that as part of any commitments made pursuant to the current talks, China will drop its challenge to the use of nonmarket methodologies until such time as China has actually become a market economy under established and accepted statutory criteria set out in U.S. law.

Third, increased transparency requirements can help make enforcement more effective. As long as key elements of the ways that China intervenes in the economy—such as the provision of illegal subsidies; currency manipulation, for that matter; the participation in the market in state-owned enterprises; and the application of laws—remain without transparency, it is going to be difficult to effectively monitor compliance with commitments that are made. We have to know. We have the right to know. I thus urge the administration to secure enforceable transparency commitments to ensure we have enough visibility on China's nonmarket practices to make enforcement as effective as possible.

I hope the administration takes some of these enforcement suggestions into account.

Today, pursuant to our section 301 investigation, the United States has levied tariffs of 25 percent on $50 billion and 10 percent on $200 billion of exports from China to the United States. These tariffs are in place now, and they are affecting a lot of our companies here in the United States because China has,

in turn, retaliated against us, putting tariffs ranging from 5 to 25 percent on $100 billion of U.S. exports to China. So there has been an escalation of tariffs as we have been in these negotiations.

There has been discussion about the United States keeping our 25 percent and 10 percent tariffs in place as a backstop even after an agreement is reached. I think that is unlikely because I think it is a recipe for no agreement or an inadequate agreement.

Instead, I believe it is important for both countries to reduce or eliminate altogether the new tariffs under 301 and the retaliatory tariffs when the agreement is reached. Of course, the United States would be able to quickly reimpose tariffs if China doesn't live up to the commitments it makes, and that would be appropriate. But I think we ought to make a commitment now to China that we are willing to get rid of these tariffs, or substantially all of them, if a good agreement is reached.

Over the next few weeks, I hope the President remains focused on reaching this agreement that addresses the structural inequities in our trade relationship. Buying more soybeans is important, but this is a chance to resolve deeper issues, especially when there is such compelling evidence of commitments not met in the past and continued inequities in the U.S.-China trade relationship.

As part of reaching an enforceable structural agreement, I urge the administration to give China certainty about what we actually want and exactly what we want. From what I have heard, I believe giving Beijing the security of an unwavering negotiating position will help unlock China's last best offer. My sense is that is not yet on the table because perhaps they think we have shifted in terms of our objectives and priorities. The agreement would then allow the United States to take a step forward toward a more balanced, equitable, and durable U.S.-China relationship.

Again, I commend the administration and President Trump and Ambassador Lighthizer for engaging in these negotiations. I think we are headed in the right direction, but let's bring it to a close.

I want to note that the current negotiations are only part of what must be a holistic and long-term strategy toward China. A good agreement and strong enforcement is essential, but to keep the United States competitive over the long term, we have to invest more here at home.

As an example, if you are going to be in a sports competition, it helps to go to the gym once in a while. Until recently, we hadn't been hitting the gym too much.

Tax reform and lifting burdensome regulations recently have given our economy a shot in the arm. It is really important because it has created jobs and increased wages, but it has also made our country more competitive, particularly by investing in technology and investing in new equipment.

Unfortunately, we still have some challenges we need to address to be truly competitive. We have a workforce that too often lacks the skills necessary for the 21st century. We have an opioid epidemic that is undermining our economy as well as our communities. We have a crumbling infrastructure that is holding back economic growth.

Instead of people being awed at how quickly China can build a bridge, I want people to be awed at how effectively and how fast we can build a bridge here in this country. To do that, we need to build on the permitting reforms we have enacted in the last few years to make it easier to start and quicker to finish projects that keep our economy moving and growing. Reinvesting in America with world-class career and technical education, infrastructure investment, pro-growth and pro-innovation economic policies, as we started with tax reform and regulatory relief—these are the things that would send signals to China and to the rest of the world that we are a vibrant nation, we are in the game, we are focused on the future, we are constantly innovating, and we are not a nation in decline.

I believe the best days of our country can be before us. We need to show the world that America remains, in fact, the world's preeminent power because of our free markets, because of our innovations, and because of our work ethic. If we do that, we will be able to compete with China. If we don't, even without these trade negotiations, it will be difficult.

By the way, unlike some, I don't propose to compete with China by adopting policies and processes that mimic their system. As an example, nationalizing our 5G deployment or adopting 5-year industrial plans, as China does, is not the path to success. It gives in to the critiques that we make of Beijing. Instead, we need to double down on the American way: big ideas and bold visions grounded in principles unique to our origins. After all, we believe in freedom and free markets because they work.

With regard to China, we should want to have a successful and mutually beneficial relationship on trade and other issues. China and the United States must be strategic competitors going forward, not enemies.

I commend the Trump administration for entering into these difficult and very important negotiations with China, and I encourage the administration to stay strong in the pursuit of long-term, meaningful structural changes in that relationship. I want our country to do the hard work here at home, to ensure that American competitiveness is second to none. That combination—a successful resolution of longstanding issues with China and staying on the cutting edge here at home—will ensure the continued prosperity and global leadership of the United States of America.

Thank you.

I yield back my time.

The PRESIDING OFFICER. The Senator from Ohio.

ORDER OF PROCEDURE

Mr. PORTMAN. Madam President, I ask unanimous consent that notwithstanding rule XXII, the postcloture time on the Stanton nomination expire at 11:45 a.m. on Wednesday, April 10; further, that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action. Additionally, I ask that following the disposition of the Stanton nomination, the Senate vote on the confirmation of the Abizaid nomination as under the previous order and that, if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action; finally, that the mandatory quorum call with respect to the Brady nomination be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE EXPLANATION

Ms. DUCKWORTH. Madam President, I was necessarily absent for vote No. 65 on the motion to invoke cloture on Executive Calendar No. 21, nomination of Daniel Desmond Domenico, of Colorado, to be United States District Judge for the District of Colorado. On vote No. 65, had I been present, I would have voted nay on the motion to invoke cloture on Executive Calendar No. 21.

ARMS SALES NOTIFICATION

Mr. RISCH. Madam President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD at this point the notifications which have been received. If

the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA.

Hon. JAMES E. RISCH,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 19–13 concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Japan for defense articles and services estimated to cost $1.150 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

CHARLES W. HOOPER,
Lieutenant General, USA, Director.

Enclosures.

TRANSMITTAL NO. 19–13

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Japan.

(ii) Total Estimated Value:

Major Defense Equipment* $1,054 billion.

Other $.096 billion.

Total $1.150 billion.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Up to fifty-six (56) Standard Missile–3 (SM–3) Block IB Missiles.

Non-MDE: Also included are missile canisters, U.S. Government and contractor representatives' technical assistance, engineering and logistical support services, and other related elements of logistics and program support.

(iv) Military Department: Navy (JA-P-ATY).

(v) Prior Related Cases, if any: JA-P-AUA.

(vi) Sales Commission, Fee, etc., Paid. Offered. or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: April 9, 2019.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Japan—Standard Missile (SM)–3 Block IB

The Government of Japan has requested to buy up to fifty-six (56) Standard Missile–3 (SM–3) Block IB missiles. Also included are missile canisters, U.S. Government and contractor representatives' technical assistance, engineering and logistical support services, and other related elements of logistics and program support. The estimated cost is $1.150 billion.

This proposed sale will support the foreign policy and national security of the United States by improving the security of a major ally that is a force for political stability and economic progress in the Asia-Pacific region. It is vital to U.S. national interests to assist Japan in developing and maintaining a strong and effective self-defense capability.

The proposed sale will provide Japan with increased ballistic missile defense capability to assist in defending the Japanese homeland and U.S. personnel stationed there. Japan will have no difficulty absorbing these additional missiles into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor for the SM–3 Block IB All Up Rounds will be Raytheon Missile Systems, Tucson, Arizona. The prime contractor for the canisters will be BAE Systems, Minneapolis, Minnesota. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require annual trips to Japan involving U.S. Government and contractor representatives for technical reviews, support, and oversight for approximately five years.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 19–13

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The proposed sale will involve the release of sensitive technology to the Government of Japan related to the Standard Missile–3 (SM–3):

The Block IB is an iteration of the SM–3 family. It has distinct features over the older Block IA variant previously sold to Japan including an enhanced warhead which improves the search, discrimination, acquisition and tracking functions in order to address emerging threats. Once enclosed in the canister, the SM–3 Block IB missile is classified CONFIDENTIAL.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that Japan can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal are authorized for release and export to the Government of Japan.

DEPARTMENT OF ENERGY FISCAL YEAR 2020 BUDGET REQUEST

Mr. ALEXANDER. Madam President, I ask unanimous consent that a copy of my opening statement at the Subcommittee on Energy and Water Development's budget hearing for the Department of Energy's fiscal year 2020 budget request be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF ENERGY FISCAL YEAR 2020 BUDGET REQUEST

Mr. ALEXANDER. The Subcommittee on Energy and Water Development will please come to order.

Today's hearing will review the administration's fiscal year 2020 budget request for the Department of Energy.

This is the Subcommittee's first budget hearing this year.

We will have three additional hearings with the National Nuclear Security Administration, the Corps of Engineers and Bureau of Reclamation, and the Nuclear Regulatory Commission over the next five weeks. Senator Feinstein and I will each have an opening statement.

I will then recognize each Senator for up to five minutes for an opening statement, alternating between the majority and minority, in the order in which they arrived.

We will then turn to Secretary Perry for his testimony on behalf of the Department of Energy.

At the conclusion of Secretary Perry's testimony, I will then recognize Senators for five minutes of questions each, alternating between the majority and minority in the order in which they arrived. Earlier this week I proposed a New Manhattan Project for Clean Energy, a five year project with Ten Grand Challenges that will use American research and technology to put our country and the world firmly on a path toward clean, cheaper energy.

Meeting these Grand Challenges would create breakthroughs in advanced nuclear reactors, natural gas, carbon capture, better batteries, greener buildings, electric vehicles, cheaper solar and fusion. To provide the tools to create these breakthroughs, the federal government should double its funding for energy research and keep the United States number one in the world in advanced computing. This strategy takes advantage of the United States' secret weapon, our extraordinary capacity for basic research especially at our 17 national laboratories. It will strengthen our economy and raise our family incomes.

As we review the Department of Energy's fiscal year 2020 budget request today and work on drafting the Energy and Water Development Appropriations bill, I will be keeping these Ten Grand Challenges in mind.

I would like to thank Secretary Perry for being here today. This is Secretary Perry's third year to testify before the subcommittee.

I also want to thank Senator Feinstein, with whom I have the pleasure to work with again this year to draft the Energy and Water Development Appropriations bill. Our subcommittee has a good record of being the first of appropriations bills to be considered by the Committee and by the Senate each year. For each of the past four years, Senator Feinstein and I have been able to have our bill signed into law.

Last year, we worked together in a bipartisan way on the fiscal year 2019 Energy and Water Development Appropriations bill that was signed into law before the start of the fiscal year—the first time that happened since 2000.

We provided $6.585 billion for the Department's Office of Science, the fourth consecutive year of record level funding, which supports basic science and energy research at our 17 national laboratories and is the nation's largest supporter of research in the physical sciences.

The bill also provided $366 million for ARPA–E, to continue the important research and development investments into high-impact energy technologies—another record funding level in a regular appropriations bill.

We also provided $1.3 billion for Department's Office of Nuclear Energy, which is responsible for research and development of advanced reactors and small modular reactors. Finally, the bill we passed last year provided $15.2 billion for the National Nuclear Security Administration, including record funding levels for our Weapons Program and Naval Reactors.

This year, the Department of Energy's budget request is about $3.9 billion below what Congress provided last year.

I'm pleased that the Department's budget request prioritizes supercomputing, and includes approximately $809 million to deploy exascale systems in the early 2020's.

Unfortunately, the budget request this year again proposes to decrease spending on federally funded research and development, terminates ARPA–E and the loan guarantee programs, and cuts other funding, specifically:

The Office of Science by $1 billion;

Energy Efficiency and Renewable Energy by $2 billion;

Nuclear Energy by $502 million; and

Fossil Energy by $178 million.

And that is why we are holding this hearing: to give Secretary Perry an opportunity to discuss the Department's priorities, so Senator Feinstein and I can make informed decisions as we begin to write the fiscal year 2020 Energy and Water Development Appropriations bill over the next few weeks. Governing is about setting priorities, and we always have to make some hard decisions to ensure the highest priorities are funded.

Today, I'd like to focus my questions on five main areas, all with an eye toward setting priorities: Prioritizing federal support for science and energy research; Maintaining a safe and effective nuclear weapons stockpile; Demonstrating that we can build safe, affordable advanced reactors; Keeping America first in supercomputing; and Solving the nuclear waste stalemate. The Department of Energy's research programs have made the United States a world leader in science and technology, and these programs will help the United States maintain its brainpower advantage to remain competitive at a time when other countries are investing heavily in research.

DEMONSTRATING THAT WE CAN BUILD SAFE, AFFORDABLE ADVANCED REACTORS

Today, nuclear power accounts for 60% of our carbon-free electricity and, if we are going to slow the effects of climate change, nuclear power will be necessary into the future. However, the cost to build and operate today's large nuclear reactors is too high. If we don't do something soon, nuclear power will not have a future in the United States. Advanced reactors have the potential to be smaller, cheaper, less wasteful, and safer than today's reactors.

To demonstrate their potential, we need to build some of these advanced reactors, enable them to get licensed, and make sure they are available to replace the existing reactors when they come offline. Secretary Perry, I'd like to hear your views on this, including whether you think it would be helpful for the Department of Energy, working with the private sector and the National Laboratories, to manage a program that would build and demonstrate current advanced reactor technologies.

MAINTAINING A SAFE AND EFFECTIVE NUCLEAR WEAPONS STOCKPILE

A key pillar of our national defense is a strong nuclear deterrent. Last February, the administration issued an updated nuclear policy, called the Nuclear Posture Review. The updated Nuclear Posture Review recommends continuing many of the things Congress has been working on for the last several years—things that I support, including: continuing Life Extension Programs to make sure our current nuclear weapons remain safe and effective; and continuing to invest in the facilities we need to maintain our nuclear weapons stockpile. This includes the Uranium Processing Facility, the Plutonium Facility, and the facilities to process lithium and tritium.

I'm pleased to know the Department continues to make progress on construction of the nuclear buildings for the Uranium Processing Facility, and I'll be asking some questions about that project today. The Nuclear Posture Review also calls for two low yield warheads to be added to the stockpile, largely in response to capabilities being developed by Russia and other countries, and I know the Department is working on this important issue.

I'd like to hear more about that today, and look forward to hearing about the progress being made on the Uranium Processing Facility.

China, Japan, the U.S. and the European Union all want to be first in supercomputing. The stakes are high because the winner has an advantage in advanced manufacturing, simulating advanced reactors and weapons before they are built, finding terrorists and saving billions of Medicaid waste, and simulating the electric grid in a natural disaster, and other progress.

The U.S. regained the number one spot last year, thanks to sustained funding by Congress during both the Obama and Trump administrations. I am pleased that this budget request proposes to continue development of exascale supercomputers—the next generation of supercomputers that will develop a system a thousand times faster than the first supercomputer the U.S. built in 2008.

To ensure that nuclear power has a strong future in this country, we must solve the decades' long stalemate over what to do with used fuel from our nuclear reactors. Senator Feinstein and I have been working on this problem for years, and I'd like to take the opportunity to compliment Senator Feinstein on her leadership and her insistence that we find a solution to this problem. To solve the stalemate, we need to find places to build geologic repositories and temporary storage facilities so the federal government can finally meet its legal obligation to dispose of nuclear waste safely and permanently.

This year's budget request for the Department of Energy includes $110 million to restart work for Yucca Mountain repository and $6.5 million to study ways to open an interim storage site or use a private interim storage site. I strongly believe that Yucca Mountain can and should be part of the solution to the nuclear waste stalemate. Federal law designates Yucca Mountain as the nation's repository for used nuclear fuel, and the Commission's own scientists have told us that we can safely store nuclear waste there for up to one million years.

But even if we had Yucca Mountain open today, we would still need to look for another permanent repository. We have more than enough used fuel to fill Yucca Mountain to its legal capacity. So Senator Feinstein and I, working with the leaders of the Committee on Energy and Natural Resources, Senator Murkowski and then Senators Bingaman, Wyden, Cantwell, and now Senator Manchin, have a bill to implement the recommendations of the President's Blue Ribbon Commission on America's Nuclear Future, which we're working to reintroduce this year.

The legislation complements Yucca Mountain, and would create a new federal agency to find additional permanent repositories and temporary facilities for used nuclear fuel. But the quickest, and probably the least expensive, way for the federal government to start to meet its used nuclear fuel obligations is for the Department of Energy to contract with a private storage facility for used nuclear fuel.

Two years ago, you told this subcommittee that the Department of Energy has the authority to take title to used nuclear fuel, but you were hesitant to agree that it has the authority to store the used fuel at a private facility without more direction from Congress. I understand that two private companies have submitted license applications to the NRC for private consolidated storage facilities, one in Texas and one in New Mexico, and that the NRC's review is well underway.

I look forward to working with Secretary Perry as we begin putting together our Energy and Water Development Appropriations bill for fiscal year 2020 and hearing what Secretary Perry's priorities are. I also expect that the Department will continue to fund projects consistent with Congressional intent in the fiscal year 2019 Consolidated Appropriations Act.

I will now recognize Senator Feinstein for her opening statement.

TRIBUTE TO DR. SCOTT GOTTLIEB

Mr. ALEXANDER. Madam President, nearly two years ago, just before the Senate voted to confirm Dr. Gottlieb to lead the Food and Drug Administration, FDA, I said that he was ''the right person to lead the FDA in [its] vital mission and move the agency forward so that America's patients can benefit from the remarkable discoveries . . . that our nation's researchers are working on.''

Since then, Dr. Gottlieb's leadership at FDA has proved that prediction correct.

Dr. Gottlieb has been one of the President's best appointments.

Two years ago, I also said that ''there's never been a more important time to capitalize on the significant funding Congress has given to medical research.''

Congress has given the National Institutes of Health, NIH, a $9 billion increase from 2015–2019, almost $40 billion dollars in 2019, and FDA plays a key role in bringing new treatments and cures to American patients.

In 2016, Congress passed what Leader MCCONNELL called the most important legislation of the Congress, the 21st Century Cures Act, to help speed the development of new drugs and devices.

This exciting time in medicine also brings great promise to patients to lower the cost of medicine, as more promising treatments come to market, we see increased competition, which helps to drive down how much patients pay for medicines they need.

Dr. Gottlieb's successful tenure at the agency includes helping to bring more competition to the market. In 2018, FDA approved or tentatively approved over 1,000 generic drugs, approved 34 novel orphan drugs, which are drugs to treat rare diseases, and designated 18 regenerative medicines as regenerative medicine advanced therapies, so they can be reviewed faster.

Here are just a few other important things Dr. Gottlieb has accomplished:

When Dr. Gottlieb took over at FDA, Congress was working to reauthorize the four medical product user fee agreements that make up about a third of FDA's funding.

In addition to reauthorizing the four user fee agreements, Congress worked with Dr. Gottlieb and authorized an expedited approval process for generic

drugs where there is little or no market competition, called the Competitive Generic Therapies pathway, as part of the FDA Reauthorization Act of 2017.

Since August 2018, FDA has approved five new generic drugs under this pathway and has designated over 140 generic drug applications as qualifying for this pathway.

Dr. Gottlieb also announced a new plan, called the Biosimilar Action Plan, to bring generic versions of biologic drugs, called biosimilars, to help improve competition for biologics by increasing market entry of biosimilars and providing more treatment options for patients.

FDA has approved a total of 18 biosimilar products since 2010, when the biosimilar pathway was created, 13 of which were approved under Dr. Gottlieb's watch.

At his confirmation hearing, Dr. Gottlieb described the opioid crisis as ''having staggering human consequences. I think it's the biggest crisis facing the agency. . . . I think it's going to require an all-of-the-above approach . . .''

Last year, 72 senators worked on legislation to combat the opioid crisis.

Dr. Gottlieb provided us with crucial advice as we worked on this legislation and has begun to take advantage of the new law.

He has taken steps to help prevent illicit fentanyl, which is 100 times more powerful than heroin, from coming across the border.

He worked with Congress to clarify his authority to require opioids to be packaged in blister packs, such as a 3 or 7-day supply, to encourage doctors to prescribe responsibly; and clarified FDA's authority to require safe disposal options to accompany opioid packaging.

Dr. Collins, who leads the NIH, has predicted a nonaddictive opioid in the next decade, which really is the Holy Grail for fighting the opioid crisis and for helping the 50–100 million Americans living with pain.

I believe Dr. Gottlieb has laid groundwork to encourage the development of nonaddictive and nonopioid medicines and therapies to treat pain.

Dr. Gottlieb was integral to Congress's ability to reauthorize the animal drug user fees, which authorize the FDA to collect user fees to speed the review and approval of new drugs that farmers, families, and veterinarians rely on to keep their animals healthy and the food supply safe.

The 21st Century Cures Act created the Regenerative Medicine Advanced Therapy Designation, which is similar to the very successful breakthrough drug pathway that safely shortened the development and review time for certain drugs, to get them to patients who need them more quickly.

While we worked on that law, I heard the story of Nashville resident Doug Oliver.

In 2007, Doug began to have trouble seeing and, after a near accident, had his driver's license taken away and was declared legally blind.

The culprit was a rare form of macular degeneration.

His doctor at the Vanderbilt Eye Institute told him that while there were no cures, Doug could search online for a clinical trial.

Doug found a regenerative medicine clinical trial in Florida, where doctors took cells out of the bone marrow in his hip, spun them in a centrifuge, and then injected those into his eye.

Three days later, he began to see.

His eyesight eventually improved enough to get his driver's license back, and he became an effective advocate for more support for regenerative medicine, which we included in the 21st Century Cures Act.

So, with his improved vision, he began writing letters and visiting me to advocate for more support for regenerative medicine, which we did in the 21st Century Cures Act.

Two years ago, Doug gave me the cane he had used while he was blind. He said: ''I don't need it anymore.''

In Cures, we included a pathway to bring new regenerative medicine treatments, similar to the treatment Doug received, to patients more quickly.

Dr. Gottlieb has worked to implement that new pathway to help develop safe treatments to ensure more patients are able to take advantage of this cutting-edge, personalized medical technology.

Additionally, Dr. Gottlieb has helped the agency develop and advance guidances for gene therapies that will help new innovative companies developing these promising therapies, some of which may be for specific diseases and conditions that provide roadmaps for biotechnology companies who are leading the way in precision medicine.

During this exciting time in biomedical research, we are fortunate that Dr. Gottlieb was willing to serve.

The FDA and the biomedical community is in better shape today to advance medical innovation and develop the treatments and cures of the future because of his leadership.

CELEBRATING ROMANI AMERICAN HERITAGE

Mr. CARDIN. Madam President, today I rise to celebrate International Roma Day, which occurred yesterday, April 8, 2019. Last week, Senator WICKER, the Helsinki Commission's Senate cochairman, and I introduced a resolution that celebrates Romani American heritage.

As a member of the U.S. Helsinki Commission and the Organization for Security and Cooperation in Europe (OSCE) Parliamentary Assembly Special Representative on Anti-Semitism, Racism & Intolerance, I have long worked to improve the situation of Roma throughout the OSCE region.

The resolution we introduced on April 4 does four things.

First, it recognizes and celebrates Romani American heritage. Roma have come to the United States with every wave of European migration since the colonial period. In the United States,there may be as many as 1 million Americans with some Romani ancestry, whether distant or more recent. Romani people have made distinct and important contributions in many fields, including agriculture, art, crafts, literature, medicine, military service, music, sports, and science.

Second, it supports International Roma Day and the Department of State's robust engagement in activities to honor that occasion. On April 8, 1971, the First World Romani Congress met in London, bringing together Roma from across Europe and the United States with the goal of promoting transnational cooperation among Roma, combating social marginalization, and building a positive future for Roma everywhere. April 8 is now celebrated as International Roma Day around the world. U.S. Ambassadors and our Embassies across Europe are frequently asked to participate in April 8 celebrations across the region. I commend the important work they are doing as they demonstrate U.S. commitment to inclusive societies not only on April 8 but throughout the entire year.

Third, this resolution commemorates the 75th anniversary of the destruction of the so-called Gypsy Family Camp at Auschwitz. Experts estimate that 200,000 to 500,000 Romani people were killed in death camps and elsewhere throughout Europe. On August 2 to 3, 1944, Nazis murdered between 4,200 and 4,300 Romani men, women, and children in gas chambers when the Nazis decided to liquidate this camp. A number of governments have taken important steps in recent years to commemorate the genocide of Roma, to remember the victims, and educate future generations. Germany took an important step when it opened a memorial in Berlin for Sinti and Roma victims of national socialism. I also commend the Czech Government for its decision to remove the pig farm at the site of the Lety concentration camp and address remaining issues regarding the proper memorialization of that sensitive site.

Finally, this resolution commends the U.S. Holocaust Memorial Museum for its critically important role in promoting remembrance of the Holocaust and educating audiences about the genocide of Roma. The U.S. Holocaust Memorial Museum is the preeminent Federal institution dedicated to serving as a living memorial to the Holocaust. I am honored to serve as a member of the U.S. Holocaust Memorial Museum Council and I welcome the initiatives of the museum to ensure that Romani victims are remembered and support related scholarship.

I am pleased that Senator WICKER has joined me in introducing this resolution and urge other colleagues to join us in celebrating Romani-American heritage.

TRIBUTE TO LIEUTENANT COMMANDER STEVEN DAVIES

Mrs. HYDE-SMITH. Madam President, I am pleased to commend LCDR Steven Davies for his dedication to duty and service as a U.S. Coast Guard congressional fellow on my staff. Steve was recently selected to serve as executive officer of USCGC *Thetis* and will soon depart to fulfill that important responsibility.

A native of Lebanon, PA, Steve was commissioned after his graduation from the U.S. Coast Guard Academy, where he earned a bachelor of science degree in management, served as vice president of his class, and captained the men's soccer team. He is in the process of earning a master's degree.

Steve has served in a broad range of assignments during his Coast Guard career. He has served overseas in Kuwait and deployed with Patrol Forces Southwest Asia in support of Operations Iraqi and Enduring Freedom, conducted national security missions on five ships in the Arabian Gulf. In addition to deployments overseas, he has served in vital roles in support of U.S. security interests. As commanding officer of USCGC *Sailfish*, he led search and rescue operations and various law enforcement missions in the Port of New York and New Jersey. As Commanding Officer of USCGC *Kathleen Moore*, Steve led a 26-person crew that interdicted $18 million of cocaine and nearly 700 undocumented migrants attempting to reach the United States.

Most recently, Steve served as the congressional fellow on my staff and, prior to that, for the Honorable Senator Thad Cochran of Mississippi. Steve's operational experience in the Gulf of Mexico, Southwest Asia, and the Arabian Gulf, in addition to his technical expertise in counterdrug and migrant interdictions, search and rescue operations, and law enforcement missions, have been pivotal in helping to shape Department of Homeland Security and U.S. Coast Guard appropriations for fiscal years 2018 and 2019.

As a congressional fellow, he has served the State of Mississippi, the Coast Guard, and our Nation admirably. My staff and I have enjoyed the benefit of Steve's counsel and have truly enjoyed working with him. Steve's leadership has brought great credit to the Coast Guard, and I appreciate and commend his commitment to continue to serve our nation.

It is a pleasure to recognize and thank LCDR Steve Davies for his service to this country. My staff and I extend our gratitude to Steve and wish him ''Fair winds and following seas'' as he continues his journey in the U.S. Coast Guard.

NATIONAL NUCLEAR SECURITY ADMINISTRATION FISCAL YEAR 2020 BUDGET REQUEST

Mr. ALEXANDER. Mr. President, I ask unanimous consent that a copy of my opening statement at the Subcommittee on Energy and Water Development's budget hearing for the National Nuclear Security Administration's fiscal year 2020 budget request be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL NUCLEAR SECURITY ADMINISTRATION FISCAL YEAR 2020 BUDGET REQUEST

Mr. ALEXANDER. The Subcommittee on Energy and Water Development will please come to order.

Today's hearing will review the administration's fiscal year 2020 budget request for the National Nuclear Security Administration.

This is the second of the Subcommittee's four budget hearings this year.

We heard from Secretary Perry last week, and we'll have two more hearings in the coming weeks to review the Nuclear Regulatory Commission and the Army Corps of Engineers and the Bureau of Reclamation budget requests.

Senator Feinstein and I will each have an opening statement.

I will then recognize each Senator for up to five minutes for an opening statement, alternating between the majority and minority, in the order in which they arrived.

We will then turn to Administrator Lisa Gordon-Hagerty to present testimony on behalf of the National Nuclear Security Administration and then give Admiral Frank Caldwell an opportunity to give a brief statement.

At the conclusion of the witnesses' testimony, I will then recognize Senators for five minutes of questions each, alternating between the majority and minority in the order in which they arrived.

First, I would like to thank our witnesses for being here today, and also Senator Feinstein, with whom I have the pleasure to work with again this year to draft the Energy and Water Appropriations bill.

Our witnesses today include: Ms. Lisa Gordon-Hagerty, the Administrator of the National Nuclear Security Administration (NNSA); Dr. Charles Verdon, Deputy Administrator for Defense Programs; Dr. Brent Park, Deputy Administrator for Defense Nuclear Nonproliferation (Dr. Park is a former Associate Laboratory Director from Oak Ridge National Laboratory); and Admiral Frank Caldwell, Deputy Administrator for Naval Reactors.

Our subcommittee has a good record of being the first of the appropriations bills to be considered by the Committee and by the Senate each year. For each of the past four years, Senator Feinstein and I have been able to have our bill signed into law.

Last year, we worked together in a bipartisan way on the fiscal year 2019 Energy and Water Development Appropriations bill that was signed into law before the start of the fiscal year—the first time that happened since 2000.

In last year's appropriations bill we provided $15.2 billion for the National Nuclear Security Administration, including $1.9 billion for the six life extension programs, which fix or replace components in weapons systems to make sure they're safe and reliable.

We also funded the Uranium Processing Facility at the Y–12 National Security Complex at $703 million, which will continue to keep this project on time and on budget, with a completion year of 2025 at a cost no greater than $6.5 billion.

I look forward to working with Senator Feinstein on another strong bill this year.

We're here today to review the administration's fiscal year 2020 budget request for the National Nuclear Security Administration (NNSA), the semi-autonomous agency within the Department of Energy that is responsible for a vital mission—maintaining our nuclear weapons stockpile, reducing the global dangers posed by weapons of mass destruction, and providing the Navy with safe and effective nuclear power.

The president's fiscal year 2020 budget request for the NNSA is $16.5 billion, an increase of $1.3 billion (or 8 percent) over last year (the fiscal year 2019 enacted level).

Today, I'd like to focus my remarks and questions on three main areas:

1. Effectively maintaining our nuclear weapons stockpile;
2. Keeping critical projects on time and on budget; and
3. Supporting our nuclear Navy.

When the Senate agreed to ratify the New Start Treaty in December 2010, we also agreed to support funding to modernize and maintain our nuclear weapons stockpile, plus the facilities to do the work. A vital part of NNSA's mission is completion of the five ongoing life extension programs, which fix or replace components in weapons systems to make sure they're safe and reliable. The budget request includes $2.1 billion to continue the life extension programs. I want to make sure we are spending taxpayer dollars effectively.

Completing all of the work that needs to be done for these weapons systems will result in a higher workload than the weapons program has had in any time since the height of the Cold War, and it will require a large number of highly-trained experts at the production sites, like Y–12 in Oak Ridge Tennessee, the weapons laboratories, and the federal employees that work for NNSA. I'd like to hear more today about whether NNSA has enough qualified people to do this work. I would also like to discuss today whether NNSA will be able to keep the life extension programs on time and on budget.

The NNSA is responsible for some of the largest construction projects in the federal government. Senator Feinstein and I have worked hard to keep costs from skyrocketing. We want to make sure hard-earned taxpayer dollars are spent wisely and that these projects are on time and on budget.

First we focused on our oversight on the Uranium Processing Facility in Tennessee. We held routine meetings with the Department's leadership to discuss the project—particularly how the Department implemented the recommendations of a Red Team review, completed in 2014, to get the project on track.

After completing more than 90% of the design for the nuclear facilities, NNSA began construction of the Uranium Processing Facility last year. I'd like to hear more about the progress on construction from the witnesses today.

Senator Feinstein and I also worked with the Department on ways to get excess plutonium out of South Carolina more quickly and for less cost. Last year, Secretary Perry canceled the MOX project in favor of the Dilute and Disposal alternative, which the Department of Energy estimated will save taxpayers more than $20 billion. I'd like to hear more today on the progress NNSA is making at removing the plutonium from South Carolina.

Lastly, the NNSA is restarting our ability to make plutonium pits for the stockpile. The budget request includes $712 million for plutonium sustainment, which is 97% more than the current funding level. This difficult, but important work, will be done in New Mexico and South Carolina. The NNSA has

decided to use existing facilities and expertise in New Mexico to make some pits, and repurpose the MOX facility in South Carolina to make the remainder. That's a good plan and I support it. I want to hear from Administrator Gordon-Hagerty today how NNSA is applying the lessons we learned from UPF and MOX to make sure we get the pit production restart done on time and on budget.

Naval Reactors is responsible for all aspects of nuclear power for our submarines and aircraft carriers. Naval Reactors has a lot on their plate right now—they are designing a new reactor core for the next class of submarines, refueling a prototype reactor, and building a new spent fuel processing facility for nuclear waste from defense activities.

Admiral Caldwell and I had an opportunity talk about the new spent fuel processing facility earlier this week. It is a part of the Navy's consolidated interim storage for its used nuclear fuel.

The Navy's program shows that it can be done safely and effectively, but that does not replace the need for a permanent repository at Yucca Mountain. That used nuclear fuel will still need to go to Yucca Mountain once it is built. I look forward to Admiral Caldwell's comments today on the progress he's making on his important work, and particularly how Naval Reactors stores used nuclear fuel. I'd also like to hear what is being done to keep the new Columbia-Class submarine design on track.

The NNSA needs to complete a lot of important work, and this work is going to require good planning and effective oversight. I look forward to working with Administrator Gordon-Hagerty as we begin putting together our Energy and Water Appropriations bill for fiscal year 2020, and also with Senator Feinstein, who I will now recognize for her opening statement.

ADDITIONAL STATEMENTS

RECOGNIZING THE BIG CHEESE OF MIAMI

● Mr. RUBIO. Madam President, as chairman of the Senate Committee on Small Business and Entrepreneurship, it is my privilege to recognize a small business that exemplifies creativity, hard work, and dedication to improving their community. This week, it is my honor to name The Big Cheese of Miami, FL, as the Senate Small Business of the Week.

Having just celebrated their 35 year anniversary, The Big Cheese has grown from a 12-seat and 2-person operation to a landmark Miami Italian restaurant. Lifelong friends Bill Archer and Garry Duell founded The Big Cheese in 1984 and due to their rapid success, expanded to a larger location across the street. Bill is the culinary expert of the duo and has developed original recipes for all 120 items on the menu, while Garry focuses on the day-to-day operations. Along the way, they have shared in the restaurant's success.

Today, The Big Cheese remains family-oriented and affordable and uses only the finest ingredients. They have an extensive menu that includes everything from Italian favorites to Miami classics. Many of their employees have been there since inception, and others are second-generation employees, with an average employee tenure of 16 years. Bill, Gary, and longtime manager Salvatore Aiello strive to create a welcoming and friendly atmosphere and they have certainly succeeded.

Their dedication to fair prices and made-from-scratch dishes has not gone unnoticed. They were voted The Best Inexpensive Italian Restaurant in Miami and received the 5 Kids Crown Award from South Florida Parenting Magazine for their pizza. They are proud to feed people from diverse socioeconomic and cultural backgrounds and remain focused on serving their community.

One example of their efforts to help community members in need was during Hurricane Irma recovery, when they donated food to the emergency operations center in Monroe County. They are also the official sponsor of the University of Miami Athletics Department, providing both the Hurricanes and their competitors with pregame meals. Since their founding, they have served thousands of University of Miami students and collected more than 200 pieces of original memorabilia. Their dedication to the school was recently honored when they were chosen to represent the University of Miami during the Taste of the NFL, a charity aimed at bringing awareness to the millions of Americans who struggle with hunger.

The Big Cheese is an exemplary community-focused small business. They have remained true to their original values and serve their community in times of need. Like many Main Street restaurants throughout our country, The Big Cheese is a place where community members have gathered and enjoyed meals together for decades. By focusing on quality food and superior customer service, The Big Cheese has stayed in high demand. It is with great pleasure that I extend my congratulations to Bill, Gary and all of the employees at The Big Cheese. I wish you well as you continue serving the people of South Florida, and I look forward to watching your continued growth and success.●

MESSAGES FROM THE HOUSE

At 10:02 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2030. An act to direct the Secretary of the Interior to execute and carry out agreements concerning Colorado River Drought Contingency Management and Operations, and for other purposes.

At 11:52 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 639. An act to amend section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify that National Urban Search and Rescue Response System task forces may include Federal employees.

H.R. 1331. An act to amend the Federal Water Pollution Control Act to reauthorize certain programs relating to nonpoint source management, and for other purposes.

The message also announced the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 16. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers Memorial Service and the National Honor Guard and Pipe Band Exhibition.

H. Con. Res. 19. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

ENROLLED JOINT RESOLUTION SIGNED

At 6:34 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that Speaker has signed the following enrolled joint resolution:

S.J. Res. 7. Joint resolution to direct the removal of United States Armed Forces from hostilities in the Republic of Yemen that have not been authorized by Congress.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 639. An act to amend section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify that National Urban Search and Rescue Response System task forces may include Federal employees; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1331. An act to amend the Federal Water Pollution Control Act to reauthorize certain programs relating to nonpoint source management, and for other purposes; to the Committee on Environment and Public Works.

MEASURES DISCHARGED

The following bill was discharged from the Committee on Commerce, Science, and Transportation and referred as indicated:

S. 846. A bill to amend title 49, United States Code, to limit certain rolling stock procurements, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 1585. An act to reauthorize the Violence Against Women Act of 1994, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–855. A communication from the Vice President, Government Relations, Tennessee Valley Authority, transmitting, pursuant to

law, the Authority's Statistical Summary for fiscal year 2018; to the Committee on Environment and Public Works.

EC–856. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Annual Report to Congress on the Open Payments Program''; to the Committee on Finance.

EC–857. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Annual Report to Congress on the Medicare and Medicaid Integrity Programs Report for Fiscal Year 2017''; to the Committee on Finance.

EC–858. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, an annual report relative to the implementation of the Age Discrimination Act of 1975 for fiscal year 2018; to the Committee on Health, Education, Labor, and Pensions.

EC–859. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Corpus Christi Ship Channel, Corpus Christi, TX'' ((RIN1625–AA87) (Docket No. USCG–2019–0149)) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Commerce, Science, and Transportation.

EC–860. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Patuxent River, Patuxent River, MD'' ((RIN1625–AA00) (Docket No. USCG–2019–0167)) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Commerce, Science, and Transportation.

EC–861. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Cape Fear River, Wilmington, NC'' ((RIN1625–AA00) (Docket No. USCG–2018–1067)) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Commerce, Science, and Transportation.

EC–862. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Missouri River, Miles 226–360, Glasgow, MO to Kansas City, MO'' ((RIN1625–AA00) (Docket No. USCG–2019–0202)) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Commerce, Science, and Transportation.

EC–863. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Monongahela, Allegheny, and Ohio Rivers, Pittsburgh, Pennsylvania'' ((RIN1625–AA08) (Docket No. USCG–2019–0168)) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Commerce, Science, and Transportation.

EC–864. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Chesapeake Bay, Between Sandy Point and Kent Island, MD'' ((RIN1625–AA08) (Docket No. USCG–2018–1102)) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Commerce, Science, and Transportation.

EC–865. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; 2018 Recreational Fishing Seasons for Red Snapper in the Gulf of Mexico'' (RIN0648–XG060) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Commerce, Science, and Transportation.

EC–866. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Snapper-Grouper Fishery of the South Atlantic; 2018 Commercial Accountability Measure and Closure for the Other Jacks Complex'' (RIN0648–XG420) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Commerce, Science, and Transportation.

EC–867. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Gulf of Maine Haddock Trimester Total Allowable Catch Area Closure for the Common Pool Fishery'' (RIN0648–XG318) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Commerce, Science, and Transportation.

EC–868. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Commercial Aggregated Large Costal Shark and Hammerhead Shark Management Group Retention Limit Adjustment'' (RIN0648–XG325) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Commerce, Science, and Transportation.

EC–869. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries'' (RIN0648–XG534) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Commerce, Science, and Transportation.

EC–870. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries'' (RIN0648–XG366) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Commerce, Science, and Transportation.

EC–871. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2018 Commercial Accountability Measures and Closure for Atlantic Migratory Group Cobia'' (RIN0648–XG435) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Commerce, Science, and Transportation.

EC–872. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Snapper-Grouper Fishery of the South Atlantic; 2018 Recreational Accountability Measure and Closure for South Atlantic Golden Tilefish'' (RIN0648–XG440) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Commerce, Science, and Transportation.

EC–873. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Alaska Plaice in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XG317) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Commerce, Science, and Transportation.

EC–874. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea Subarea'' (RIN0648–XG444) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Commerce, Science, and Transportation.

EC–875. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Other Flatfish in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XG316) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Commerce, Science, and Transportation.

EC–876. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XG429) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Commerce, Science, and Transportation.

EC–877. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Greater Than or Equal to 50 Feet in Length Overall Using Hook-and-Line Gear in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XG394) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Commerce, Science, and Transportation.

EC–878. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Trawl Catcher Vessels in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XG396) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Commerce, Science, and Transportation.

EC–879. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2018 Gulf of Alaska Pollock Seasonal Apportionments'' (RIN0648–XG378) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Commerce, Science, and Transportation.

EC–880. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XG428) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Commerce, Science, and Transportation.

EC–881. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant

to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XG426) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Commerce, Science, and Transportation.

EC–882. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0648–XG192) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Commerce, Science, and Transportation.

EC–883. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''2-methyl-2-[(1-oxo-2-propenyl)amino]-1-propanesulfonic acid monosodium salt polymer with 2-propenoic acid, 2-methyl-, C12–16 alkyl esters; Tolerance Exemption'' (FRL No. 9988–62–OCSPP) received in the Office of the President of the Senate on April 2, 2019; to the Committee on Agriculture, Nutrition, and Forestry.

EC–884. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Metrafenone; Pesticide Tolerances'' (FRL No. 9987–14–OCSPP) received in the Office of the President of the Senate on April 2, 2019; to the Committee on Agriculture, Nutrition, and Forestry.

EC–885. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Zoxamide; Pesticide Tolerances'' (FRL No. 9987–27–OCSPP) received in the Office of the President of the Senate on April 2, 2019; to the Committee on Agriculture, Nutrition, and Forestry.

EC–886. A communication from the Director of the Issuances Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Elimination of the Requirement That Livestock Carcases Be Marked 'U.S. Inspected and Passed' at the Time of Inspection Within a Slaughter Establishment for Carcasses To Be Further Processed Within the Same Establishment'' (RIN0583–AD68) received in the Office of the President of the Senate on April 4, 2019; to the Committee on Agriculture, Nutrition, and Forestry.

EC–887. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Margin Requirements for Uncleared Swaps for Swap Dealers and Major Swap Participants'' (RIN3038–AE85) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Agriculture, Nutrition, and Forestry.

EC–888. A communication from the Deputy Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''De Minimis Exception to the Swap Dealer Definition—Swaps Entered into by Insured Depository Institutions in Connection with Loans to Customers'' (RIN3038–AE68) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Agriculture, Nutrition, and Forestry.

EC–889. A communication from the Under Secretary of Defense (Acquisition and Sustainment), transmitting, pursuant to law, a report entitled ''Report to Congress on Progress Toward the Strategic Plan to Improve Capabilities of Department of Defense Training Ranges and Installations''; to the Committee on Armed Services.

EC–890. A communication from the Senior Official performing the duties of the Under Secretary of Defense (Personnel and Readiness), transmitting the report of five (5) officers authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777, this will not cause the Department to exceed the number of frocked officers authorized; to the Committee on Armed Services.

EC–891. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Margin and Capital Requirements for Covered Swap Entities'' (RIN3064–AF00) received in the Office of the President of the Senate on April 2, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC–892. A communication from the Executive Director, Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the Office of the Comptroller's 2018 Office of Minority and Women Inclusion Annual Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC–893. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, five (5) reports relative to vacancies in the Department of the Treasury, received in the Office of the President of the Senate on April 3, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC–894. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Delay of Effective Date; Regulatory Capital Rule: Implementation and Transition of the Current Expected Credit Losses Methodology for Allowances and Related Adjustments to the Regulatory Capital Rule and Conforming Amendments to Other Regulations'' (RIN3064–AE74) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC–895. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; ID, Kraft Pulp Mill Rule Revisions'' (FRL No. 9991–71–Region 10) received in the Office of the President of the Senate on April 2, 2019; to the Committee on Environment and Public Works.

EC–896. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; North Carolina: Readoption of Air Quality Rules and Non-Interference Demonstration for Removal of Oxygenated Gasoline Rule'' (FRL No. 9991–63–Region 4) received in the Office of the President of the Senate on April 2, 2019; to the Committee on Environment and Public Works.

EC–897. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Quality State Implementation Plans; Arizona: Approval and Conditional Approval of State Implementation Plan Revisions; Maricopa County Air Quality Department; Stationary Source Permits'' (FRL No. 9991–53–Region 9) received in the Office of the President of the Senate on April 2, 2019; to the Committee on Environment and Public Works.

EC–898. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Delaware: Outer Continental Shelf Regulations; Consistency Update for Delaware'' (FRL No. 9990–18–Region 3) received in the Office of the President of the Senate on April 2, 2019; to the Committee on Environment and Public Works.

EC–899. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''PA SSI Federal Plan Delegation'' (FRL No. 9991–56–Region 3) received in the Office of the President of the Senate on April 2, 2019; to the Committee on Environment and Public Works.

EC–900. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, six (6) reports relative to vacancies in the Department of the Treasury, received in the Office of the President of the Senate on April 3, 2019; to the Committee on Finance.

EC–901. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Announcement and Report Concerning Advance Pricing Agreements'' (Announcement 2019–03) received in the Office of the President of the Senate on April 2, 2019; to the Committee on Finance.

EC–902. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Treasury Decision (TD): Chapter 4 Regulations Relating to Verification and Certification Requirements for Certain Entities and Reporting by Foreign Financial Institutions'' (RIN1545–BL96) received in the Office of the President of the Senate on April 2, 2019; to the Committee on Finance.

EC–903. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Reportable Transactions Penalties Under Section 6707A'' (RIN1545–BK62) received in the Office of the President of the Senate on April 2, 2019; to the Committee on Finance.

EC–904. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Offering a Lump-Sum Payment Option to Retirees Currently Receiving Annuity Payments Under a Defined Benefit Plan'' (Notice 2019–18) received in the Office of the President of the Senate on April 2, 2019; to the Committee on Finance.

EC–905. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Permitted Disparity In Employer-Provided Contributions or Benefits'' (Rev. Rul. 2019–06) received in the Office of the President of the Senate on April 2, 2019; to the Committee on Finance.

EC–906. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure 2019–15'' (Rev. Proc. 2019–15) received during adjournment of the Senate in the Office of the President of the Senate on April 5, 2019; to the Committee on Finance.

EC–907. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tax Benefit Rule and Section 164(b) (6)'' (Rev. Rul. 2019–11) received during adjournment of the Senate in the Office of the President of the Senate on April 5, 2019; to the Committee on Finance.

EC–908. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's Annual Report of Interdiction of Aircraft Engaged in Illicit Drug Trafficking; to the Committee on Foreign Relations.

EC–909. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of a proposed license for the export of defense articles, including technical data and defense services, to Denmark, Italy, Japan, and the Netherlands to support the design, development, and manufacture of composite components and subassemblies for the F–35 Aircraft Center Fuselage in the amount of $100,000,000 or more (Transmittal No. DDTC 18–001); to the Committee on Foreign Relations.

EC–910. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of a proposed license for the export of defense articles, including technical data and defense services, to Australia, Italy, Japan, and the Netherlands to support the manufacture of composite components and subassemblies for the F–35 Lightning II Aircraft in the amount of $100,000,000 or more (Transmittal No. DDTC 17–078); to the Committee on Foreign Relations.

EC–911. A communication from the Director, Office of Workers' Compensation Programs, Department of Labor, transmitting, pursuant to law, Secretary of Labor's response to the Office of the Ombudsman's 2017 Annual Report; to the Committee on Health, Education, Labor, and Pensions.

EC–912. A communication from the Director, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the Bureau's fiscal year 2017 Federal Activities Inventory Reform (FAIR) Act submission of its commercial and inherently governmental activities; to the Committee on Homeland Security and Governmental Affairs.

EC–913. A communication from the Chief Judge, Superior Court of the District of Columbia, transmitting, pursuant to law, a report relative to the District of Columbia Family Court Act; to the Committee on Homeland Security and Governmental Affairs.

EC–914. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Department of Labor's 2017 FAIR Act Inventory of Inherently Governmental Activities and Inventory of Commercial Activities; to the Committee on Homeland Security and Governmental Affairs.

EC–915. A communication from the Attorney-Advisor, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Civil Monetary Penalty Adjustments for Inflation'' (RIN1601–AA80) received in the Office of the President of the Senate on April 3, 2019; to the Committee on Homeland Security and Governmental Affairs.

EC–916. A communication from the Chief of the Office of Regulatory Affairs, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Separation Distances of Ammonium Nitrate and Blasting Agents From Explosives or Blasting Agents'' (RIN1140–AA27) received during adjournment of the Senate in the Office of the President of the Senate on April 5, 2019; to the Committee on the Judiciary.

EC–917. A communication from the Deputy Chief, Mobility Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Parts 1 and 22 of the Commission's Rules with Regard to the Cellular Service, Including Changes in Licensing of Unserved Area, et al.'' ((WT Docket No. 12–40) (FCC 19–26)) received in the Office of the President of the Senate on April 4, 2019; to the Committee on Commerce, Science, and Transportation.

EC–918. A communication from the Attorney-Advisor, Office of General Counsel, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy for the position of Administrator, National Highway Traffic Safety Administration, Department of Transportation, received in the Office of the President of the Senate on April 3, 2019; to the Committee on Commerce, Science, and Transportation.

EC–919. A communication from the Executive Director, Office of Congressional Workplace Rights, transmitting, pursuant to Section 303(a) of the Congressional Accountability Act, a report relative to adoption of rules governing the procedures of the Office of Congressional Workplace Rights, received in the office of the President pro tempore of the Senate; to the Committee on Homeland Security and Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–28. A resolution adopted by the Mayor and City Commission of the City of Miami Beach, Florida, urging the United States Congress to support temporary protective status for the Venezuelan community and to support the efforts of Venezuelan interim President Juan Guaido to bring humanitarian relief to the people of Venezuela and diplomatic efforts to promote democracy in Venezuela; to the Committee on Foreign Relations.

POM–29. A petition from a citizen of the State of Texas relative to constitutional conventions; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOEVEN, from the Committee on Indian Affairs, without amendment:

S. 226. A bill to clarify the rights of Indians and Indian Tribes on Indian lands under the National Labor Relations Act (Rept. No. 116–30).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. INHOFE for the Committee on Armed Services.

Marine Corps nominations beginning with Brig. Gen. Julian D. Alford and ending with Brig. Gen. Stephen D. Sklenka, which nominations were received by the Senate and appeared in the Congressional Record on January 15, 2019. (minus 1 nominee: Brig. Gen. Austin E. Renforth)

*Army nomination of Gen. Stephen J. Townsend, to be General.

Army nomination of Lt. Gen. Timothy J. Kadavy, to be Lieutenant General.

Navy nomination of Rear Adm. James W. Kilby, to be Vice Admiral.

Air Force nomination of Lt. Gen. Jeffrey L. Harrigian, to be General.

*Air Force nomination of Gen. Tod D. Wolters, to be General.

Air Force nominations beginning with Brig. Gen. Christopher P. Azzano and ending with Brig. Gen. Craig D. Wills, which nominations were received by the Senate and appeared in the Congressional Record on April 1, 2019.

Mr. INHOFE. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Jeremiah L. Blackburn and ending with Thomas A. Webb, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2019.

Air Force nominations beginning with La Tanya D. Austin and ending with Luis E. Millan, which nominations were received by the Senate and appeared in the Congressional Record on March 26, 2019.

Air Force nominations beginning with Michael T. Charlton and ending with Robert T. Ungerman III, which nominations were received by the Senate and appeared in the Congressional Record on March 26, 2019.

Air Force nominations beginning with Elissa R. Ballas and ending with Matthew W. Booth, which nominations were received by the Senate and appeared in the Congressional Record on March 26, 2019.

Air Force nomination of Brian C. Bane, to be Major.

Air Force nomination of Benjamin D. Ramos, to be Major.

Air Force nomination of Christopher D. Black, to be Major.

Army nomination of Jason A. Anthes, to be Major.

Army nomination of Robin N. Scott, to be Lieutenant Colonel.

Army nomination of Matthew R. Thom, to be Lieutenant Colonel.

Army nomination of David M. Powell, to be Major.

Army nomination of Ford M. Lannan, to be Major.

Army nomination of Luke A. Randall, to be Major.

Army nomination of Mark M. Kuba, to be Colonel.

Army nomination of Rhana S. Kurdi, to be Lieutenant Colonel.

Army nomination of Michael D. Norton, to be Lieutenant Colonel.

Army nomination of Jason A. Byers, to be Major.

Army nomination of Nathaniel C. Curley, to be Major.

Army nomination of Sewhan Kim, to be Lieutenant Colonel.

Army nomination of Early Howard, Jr., to be Lieutenant Colonel.

Army nomination of Isaac L. Henderson, to be Lieutenant Colonel.

Army nomination of James A. Broadie, to be Major.

Army nomination of Brandon E. Resor, to be Major.

Navy nominations beginning with Shawn D. Trulove and ending with Dena R. Boyd, which nominations were received by the Senate and appeared in the Congressional Record on March 26, 2019.

Navy nomination of Charles E. Jenkins IV, to be Commander.

By Mr. ALEXANDER for the Committee on Health, Education, Labor, and Pensions.

*Gordon Hartogensis, of Connecticut, to be Director of the Pension Benefit Guaranty Corporation for a term of five years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CARDIN (for himself, Ms. HARRIS, Mr. BOOKER, Mr. LEAHY, Mr. BLUMENTHAL, Mr. REED, Ms. WARREN, Mr. VAN HOLLEN, Mr. SANDERS, Mrs. MURRAY, Ms. SMITH, Ms. HIRONO, Ms. KLOBUCHAR, Mrs. GILLIBRAND, Mr. DURBIN, Mr. WHITEHOUSE, Mr. MARKEY, Mr. COONS, Mr. CASEY, Mr. BROWN, and Mr. WYDEN):

S. 1068. A bill to secure the Federal voting rights of persons when released from incarceration; to the Committee on the Judiciary.

By Ms. BALDWIN (for herself, Ms. MURKOWSKI, Ms. CANTWELL, and Mr. SULLIVAN):

S. 1069. A bill to require the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, to establish a constituent-driven program to provide a digital information platform capable of efficiently integrating coastal data with decision-support tools, training, and best practices and to support collection of priority coastal geospatial data to inform and improve local, State, regional, and Federal capacities to manage the coastal region, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KAINE:

S. 1070. A bill to require the Secretary of Health and Human Services to fund demonstration projects to improve recruitment and retention of child welfare workers; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. SHAHEEN (for herself and Ms. MURKOWSKI):

S. 1071. A bill to support empowerment, economic security, and educational opportunities for adolescent girls around the world, and for other purposes; to the Committee on Foreign Relations.

By Mr. BRAUN:

S. 1072. A bill to amend the Higher Education Act of 1965 to establish a Job Training Federal Pell Grants demonstration program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KAINE (for himself and Ms. BALDWIN):

S. 1073. A bill to amend the Child Abuse Prevention and Treatment Act to ensure protections for lesbian, gay, bisexual, and transgender youth and their families; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHATZ (for himself, Mr. LEE, and Mr. DURBIN):

S. 1074. A bill to reinstate Federal Pell Grant eligibility for individuals incarcerated in Federal and State penal institutions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WICKER (for himself, Mr. CARDIN, Mr. RUBIO, Mr. TILLIS, Mr. DURBIN, and Mr. VAN HOLLEN):

S. 1075. A bill to advocate for the release of United States citizens and locally employed diplomatic staff unlawfully detained in Turkey, and for other purposes; to the Committee on Foreign Relations.

By Mr. SULLIVAN (for himself and Mrs. GILLIBRAND):

S. 1076. A bill to amend title 36, United States Code, to designate October 1 as Choose Respect Day, and for other purposes; to the Committee on the Judiciary.

By Mr. CARDIN:

S. 1077. A bill to establish a pilot program awarding competitive grants to organizations administering entrepreneurial development programming to formerly incarcerated individuals, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. PERDUE (for himself and Mr. WHITEHOUSE):

S. 1078. A bill to amend title 44, United States Code, to modernize the Federal Register, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. UDALL (for himself and Mr. HEINRICH):

S. 1079. A bill to provide for the withdrawal and protection of certain Federal land in the State of New Mexico; to the Committee on Energy and Natural Resources.

By Mr. BOOKER:

S. 1080. A bill to amend the Second Chance Act of 2007 to require identification for returning citizens, and for other purposes; to the Committee on the Judiciary.

By Mr. MANCHIN (for himself, Mr. GARDNER, Ms. CANTWELL, Mr. BURR, Mr. BENNET, Ms. COLLINS, Mr. TESTER, Mr. DAINES, Mr. UDALL, Mr. ALEXANDER, Mr. HEINRICH, Mr. GRAHAM, Mr. KING, and Mrs. SHAHEEN):

S. 1081. A bill to amend title 54, United States Code, to provide permanent, dedicated funding for the Land and Water Conservation Fund, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY (for herself, Ms. HARRIS, Mr. MERKLEY, Ms. WARREN, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Ms. BALDWIN, Mr. CASEY, Mr. SANDERS, Mr. KAINE, Mr. BROWN, Mr. MARKEY, Ms. ROSEN, Ms. KLOBUCHAR, Mr. CARDIN, Mr. VAN HOLLEN, Mr. BOOKER, Mr. DURBIN, and Ms. DUCKWORTH):

S. 1082. A bill to prevent discrimination and harassment in employment; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOOKER:

S. 1083. A bill to address the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to study and consider a national apology and proposal for reparations for the institution of slavery, its subsequent d jure and de facto racial and economic discrimination against African-Americans, and the impact of these forces on living African-Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes; to the Committee on the Judiciary.

By Mr. WARNER (for himself and Mrs. FISCHER):

S. 1084. A bill to prohibit the usage of exploitative and deceptive practices by large online operators and to promote consumer welfare in the use of behavioral research by such providers; to the Committee on Commerce, Science, and Transportation.

By Mr. PETERS (for himself, Mr. ALEXANDER, and Ms. STABENOW):

S. 1085. A bill to support research, development, and other activities to develop innovative vehicle technologies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOOKER (for himself, Ms. BALDWIN, Mr. MURPHY, Mr. BLUMENTHAL, Ms. WARREN, Ms. ROSEN, Mr. WHITEHOUSE, Ms. SMITH, Mrs. SHAHEEN, Mr. SANDERS, Mr. KAINE, Ms. HARRIS, Mr. WYDEN, Mr. MERKLEY, Mrs. MURRAY, Mr. VAN HOLLEN, Mrs. GILLIBRAND, Mr. MARKEY, Mr. BROWN, and Ms. HIRONO):

S. 1086. A bill to establish certain duties for pharmacies to ensure provision of Food and Drug Administration-approved contraception, medication related to contraception, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BARRASSO (for himself, Mr. DAINES, Mr. INHOFE, Mrs. CAPITO, Mr. ENZI, and Mr. CRAMER):

S. 1087. A bill to amend the Federal Water Pollution Control Act to make changes with respect to water quality certification, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MARKEY (for himself, Mr. BLUMENTHAL, Ms. HIRONO, Ms. HARRIS, Mr. LEAHY, Ms. KLOBUCHAR, Ms. SMITH, Mr. BOOKER, Mrs. SHAHEEN, Mr. MURPHY, Mr. WYDEN, Mr. MERKLEY, and Mr. DURBIN):

S. 1088. A bill to amend the Immigration and Nationality Act to require the President to set a minimum annual goal for the number of refugees to be admitted, and for other purposes; to the Committee on the Judiciary.

By Mr. ROBERTS (for himself, Mr. KING, Mr. ISAKSON, and Mr. MANCHIN):

S. 1089. A bill to amend the Internal Revenue Code of 1986 to repeal the amendments made by the Patient Protection and Affordable Care Act which disqualify expenses for over-the-counter drugs under health savings accounts and health flexible spending arrangements; to the Committee on Finance.

By Mr. ENZI:

S. 1090. A bill to require the Internal Revenue Service to provide Congress with sufficient notice prior to the closing of any Taxpayer Assistance Center; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. WHITEHOUSE, Mr. TILLIS, Ms. KLOBUCHAR, Ms. ERNST, and Mr. BLUMENTHAL):

S. 1091. A bill to amend chapter 11 of title 11, United States Code, to address reorganization of small businesses, and for other purposes; to the Committee on the Judiciary.

By Mr. CRUZ:

S. 1092. A bill to impose sanctions with respect to the theft of United States intellectual property by Chinese persons, and for other purposes; to the Committee on Foreign Relations.

By Mr. UDALL (for himself and Mr. HEINRICH):

S. 1093. A bill to award a Congressional Gold Medal to the troops from the United States and the Philippines who defended Bataan and Corregidor, in recognition of their personal sacrifice and service during World

War II; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. STABENOW (for herself, Mr. ALEXANDER, Mr. PETERS, and Ms. COLLINS):

S. 1094. A bill to amend the Internal Revenue Code of 1986 to modify limitations on the credit for plug-in electric drive motor vehicles, and for other purposes; to the Committee on Finance.

By Ms. HARRIS (for herself, Ms. CORTEZ MASTO, Mr. DURBIN, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Mr. CARPER, Mr. CASEY, Mrs. GILLIBRAND, Ms. HIRONO, Ms. KLOBUCHAR, Mr. MARKEY, Mr. MENENDEZ, Mr. MERKLEY, Mrs. MURRAY, Ms. ROSEN, Mr. SANDERS, Ms. SMITH, Mr. VAN HOLLEN, Ms. WARREN, and Mr. WYDEN):

S. 1095. A bill to enable the payment of certain officers and employees of the United States whose employment is authorized under the Deferred Action for Childhood Arrivals program, and for other purposes; to the Committee on Appropriations.

By Mr. ROUNDS (for himself and Mrs. SHAHEEN):

S. 1096. A bill to amend title 10, United States Code, to modify semiannual briefings on the consolidated corrective action plan of the Department of Defense for financial management information; to the Committee on Armed Services.

By Mr. MARKEY (for himself, Ms. WARREN, and Mr. BLUMENTHAL):

S. 1097. A bill to amend title 49, United States Code, to improve pipeline safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CARDIN (for himself and Mr. WICKER):

S. 1098. A bill to amend title 23, United States Code, to improve the transportation alternatives program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SCOTT of South Carolina (for himself, Mr. BROWN, and Mr. ISAKSON):

S. 1099. A bill to amend title 31, United States Code, to prohibit the Internal Revenue Service from carrying out seizures relating to a structuring transaction unless the property to be seized derived from an illegal source or the funds were structured for the purpose of concealing the violation of another criminal law or regulation, to require notice and a post-seizure hearing for such seizures, and for other purposes; to the Committee on Finance.

By Mr. BOOKER (for himself, Mr. SCOTT of South Carolina, Ms. HASSAN, and Mr. YOUNG):

S. 1100. A bill to institute a program for the disclosure of taxpayer information for third-party income verification through the Internet; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CARDIN (for himself and Mr. BLUNT):

S. Res. 148. A resolution supporting efforts by the Government of Colombia to pursue peace and regional stability; to the Committee on Foreign Relations.

By Mr. CARPER (for himself, Ms. SINEMA, and Mr. SANDERS):

S. Res. 149. A resolution expressing support for the designation of the week of April 8 through April 12, 2019, as ''National Assistant Principals Week''; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself, Mr. CRUZ, Mr. VAN HOLLEN, Ms. STABENOW, Mr. MARKEY, Ms. WARREN, Mr. PETERS, Mrs. FEINSTEIN, Mr. WYDEN, Ms. DUCKWORTH, Mr. RUBIO, Mr. REED, Mr. SCHUMER, Mr. GARDNER, Mr. UDALL, and Ms. HARRIS):

S. Res. 150. A resolution expressing the sense of the Senate that it is the policy of the United States to commemorate the Armenian Genocide through official recognition and remembrance; to the Committee on Foreign Relations.

By Mr. MCCONNELL (for himself and Mr. SCHUMER):

S. Res. 151. A resolution to authorize testimony, documents, and representation in United States v. Pratersch; considered and agreed to.

By Mr. LANKFORD (for himself, Mr. MENENDEZ, Mr. GARDNER, and Mr. MARKEY):

S. Res. 152. A resolution expressing the importance of the United States alliance with the Republic of Korea and the contributions of Korean Americans in the United States; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 91

At the request of Mr. GARDNER, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. 91, a bill to amend title 38, United States Code, to authorize per diem payments under comprehensive service programs for homeless veterans to furnish care to dependents of homeless veterans, and for other purposes.

S. 151

At the request of Mr. THUNE, the names of the Senator from Arizona (Ms. MCSALLY), the Senator from Rhode Island (Mr. REED), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Minnesota (Ms. SMITH), the Senator from Maryland (Mr. CARDIN), and the Senator from South Dakota (Mr. ROUNDS) were added as cosponsors of S. 151, a bill to deter criminal robocall violations and improve enforcement of section 227(b) of the Communications Act of 1934, and for other purposes.

S. 164

At the request of Mr. DAINES, the name of the Senator from North Dakota (Mr. CRAMER) was added as a cosponsor of S. 164, a bill to amend title 10, United States Code, to remove the prohibition on eligibility for TRICARE Reserve Select of members of the reserve components of the Armed Forces who are eligible to enroll in a health benefits plan under chapter 89 of title 5, United States Code.

S. 250

At the request of Mrs. SHAHEEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 250, a bill to amend title 28, United States Code, to prohibit the exclusion of individuals from service on a Federal jury on account of sexual orientation or gender identity.

S. 267

At the request of Mr. CORNYN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 267, a bill to provide for a general capital increase for the North American Development Bank, and for other purposes.

S. 296

At the request of Ms. COLLINS, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of S. 296, a bill to amend XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 513

At the request of Ms. HARRIS, the name of the Senator from Arizona (Ms. MCSALLY) was added as a cosponsor of S. 513, a bill to amend title 18, United States Code, with respect to civil forfeitures relating to certain seized animals, and for other purposes.

S. 521

At the request of Mr. BROWN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 521, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 586

At the request of Mr. ROBERTS, the names of the Senator from North Dakota (Mr. CRAMER) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 586, a bill to amend title XVIII of the Social Security Act to remove the 96-hour physician certification requirement for inpatient critical access hospital services.

S. 593

At the request of Ms. HARRIS, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 593, a bill to amend the Religious Freedom Restoration Act of 1993 to protect civil rights and otherwise prevent meaningful harm to third parties, and for other purposes.

S. 613

At the request of Mrs. HYDE-SMITH, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 613, a bill to amend the Animal Health Protection Act to provide chronic wasting disease support for States and coordinated response efforts, and for other purposes.

S. 622

At the request of Mr. JONES, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from West Virginia (Mrs. CAPITO) were added as cosponsors of S. 622, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 679

At the request of Ms. BALDWIN, the names of the Senator from Maine (Mr.

KING) and the Senator from Georgia (Mr. PERDUE) were added as cosponsors of S. 679, a bill to exempt from the calculation of monthly income certain benefit paid by the Department of Veterans Affairs and the Department of Defense.

S. 768

At the request of Ms. WARREN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 768, a bill to amend the Higher Education Act of 1965 to provide for the refinancing of certain Federal student loans, and for other purposes.

S. 817

At the request of Mr. CRAPO, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 817, a bill to amend the Internal Revenue Code of 1986 to remove silencers from the definition of firearms, and for other purposes.

S. 828

At the request of Mr. BOOKER, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 828, a bill to amend the Outer Continental Shelf Lands Act to prohibit oil-, gas-, and methane hydrate-related seismic activities in the North Atlantic, Mid-Atlantic, South Atlantic, and Straits of Florida planning areas of the outer Continental Shelf, and for other purposes.

S. 830

At the request of Mrs. GILLIBRAND, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 830, a bill to amend the Federal Work-Study program to permit institutions of higher education to use their Federal work-study allocations for full-time, off-campus cooperative education and work-based learning.

S. 846

At the request of Mr. CORNYN, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Louisiana (Mr. CASSIDY) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of S. 846, a bill to amend title 49, United States Code, to limit certain rolling stock procurements, and for other purposes.

S. 867

At the request of Ms. HASSAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 867, a bill to protect students of institutions of higher education and the taxpayer investment in institutions of higher education by improving oversight and accountability of institutions of higher education, particularly for-profit colleges, improving protections for students and borrowers, and ensuring the integrity of postsecondary education programs, and for other purposes.

S. 880

At the request of Ms. STABENOW, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 880, a bill to provide outreach and reporting on comprehensive Alzheimer's disease care planning services furnished under the Medicare program.

S. 904

At the request of Mr. ENZI, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 904, a bill to authorize the Department of Labor's voluntary protection program.

S. 907

At the request of Mr. YOUNG, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 907, a bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects, and for other purposes.

S. 909

At the request of Mr. SASSE, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 909, a bill to amend title 5, United States Code, with respect to the judicial review of agency interpretations of statutory and regulatory provisions.

S. 916

At the request of Mr. DURBIN, the names of the Senator from Massachusetts (Mr. MARKEY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 916, a bill to improve Federal efforts with respect to the prevention of maternal mortality, and for other purposes.

S. 952

At the request of Mr. COTTON, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 952, a bill to provide that the Federal Communications Commission may not prevent a State or Federal correctional facility from utilizing jamming equipment, and for other purposes.

S. 998

At the request of Mr. HAWLEY, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 998, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to expand support for police officer family services, stress reduction, and suicide prevention, and for other purposes.

S. 1003

At the request of Mr. RUBIO, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 1003, a bill to amend title 38, United States Code, to establish the Veterans Economic Opportunity and Transition Administration and the Under Secretary for Veterans Economic Opportunity and Transition of the Department of Veterans Affairs, and for other purposes.

S. 1004

At the request of Mr. PETERS, the names of the Senator from Montana (Mr. TESTER) and the Senator from Louisiana (Mr. CASSIDY) were added as cosponsors of S. 1004, a bill to increase the number of U.S. Customs and Border Protection Office of Field Operations officers and support staff and to require reports that identify staffing, infrastructure, and equipment needed to enhance security at ports of entry.

S. 1007

At the request of Mr. CRAPO, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 1007, a bill to amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, and for other purposes.

S. 1035

At the request of Mr. ROUNDS, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1035, a bill to amend title 18, United States Code, to prohibit dismemberment abortions, and for other purposes.

S. 1043

At the request of Mr. LEE, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1043, a bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector.

S. 1046

At the request of Ms. CORTEZ MASTO, the name of the Senator from Arizona (Ms. SINEMA) was added as a cosponsor of S. 1046, a bill to establish the Office of Internet Connectivity and Growth, and for other purposes.

S. 1066

At the request of Mr. BOOKER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1066, a bill to provide an increased allocation of funding under certain programs for assistance in persistent poverty counties, and for other purposes.

S. CON. RES. 13

At the request of Mr. GARDNER, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. Con. Res. 13, a concurrent resolution reaffirming the United States commitment to Taiwan and to the implementation of the Taiwan Relations Act.

S. RES. 85

At the request of Mr. BROWN, the names of the Senator from Illinois (Ms. DUCKWORTH), the Senator from Michigan (Mr. PETERS), the Senator from California (Mrs. FEINSTEIN), the Senator from New Hampshire (Ms. HASSAN) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. Res. 85, a resolution recognizing the 100th anniversary of the founding of Easterseals, a leading advocate and service provider for children and adults with disabilities, including veterans and older adults, and their caregivers and families.

S. RES. 120

At the request of Mr. CARDIN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from

Alaska (Mr. SULLIVAN) were added as cosponsors of S. Res. 120, a resolution opposing efforts to delegitimize the State of Israel and the Global Boycott, Divestment, and Sanctions Movement targeting Israel.

S. RES. 135

At the request of Mr. BOOZMAN, the names of the Senator from Oklahoma (Mr. LANKFORD), the Senator from Kansas (Mr. MORAN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Alaska (Mr. SULLIVAN), the Senator from New Hampshire (Ms. HASSAN) and the Senator from South Dakota (Mr. ROUNDS) were added as cosponsors of S. Res. 135, a resolution expressing the gratitude and appreciation of the Senate for the acts of heroism and valor by the members of the United States Armed Forces who participated in the June 6, 1944, amphibious landing at Normandy, France, and commending those individuals for leadership and bravery in an operation that helped bring an end to World War II.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KAINE:

S. 1070. A bill to require the Secretary of Health and Human Services to fund demonstration projects to improve recruitment and retention of child welfare workers; to the Committee on Health, Education, Labor, and Pensions.

Mr. KAINE. Mr. President, investing in the development of a robust, well-trained, and stable child welfare workforce is central to improving outcomes for children and families across the United States. The existence of such a workforce is essential to a child welfare agency's ability to carry out the responsibilities with which they have been entrusted. Child welfare work has been shown to be physically and emotionally challenging, as demonstrated by recent studies into the impact of secondary traumatic stress (STS) on child welfare professionals. The multitude of challenges inherent in child welfare work, combined with relatively low compensation and work benefits, make these careers difficult to sustain, resulting in high rates of turnover.

Studies conducted over the last 15 years estimate the national rate of turnover of child welfare workers to be 20–40 percent annually. In 2017, Virginia reported a turnover rate of 30%, while Washington State reported a turnover rate of 20% and Georgia reported a turnover rate of 32%. These high rates of turnover detract from the quality of services delivered to children and families and result in an estimated cost of $54,000 per worker leaving an agency.

Greater action is needed to ensure that individuals pursuing child welfare careers receive appropriate training and support to improve the sustainability of their important, yet demanding work. Higher rates of retention for child welfare workers translates to greater stability for families and improved services for vulnerable youth. Existing research provides a number of evidenced-based and promising practices for improving recruitment and retention in the child welfare workforce.

This is why I am pleased to introduce today the Child Welfare Workforce Support Act. This bill directs the Secretary to conduct a five-year demonstration program for child welfare service providers to implement targeted interventions to recruit, select, and retain child welfare workers. This demonstration program will focus on building an evidence base of best practices for reducing barriers to the recruitment, development, and retention of individuals providing direct services to children and families. Funds will also be used to provide ongoing professional development to assist child welfare workers in meeting the diverse needs of families with infants and children with the goal of improving both the quality of services provided and the sustainability of such careers. Investing resources in determining what practices have the greatest impact on the successful recruitment and retention of child welfare workers will assist in developing an evidence-base for future federal investment in this space.

I hope that as the Senate begins to discuss reauthorizing the Child Abuse Prevention and Treatment Act that we consider the Child Welfare Workforce Support Act and recognize the important role that child welfare workers make to improve outcomes for vulnerable infants and children.

By Mr. KAINE (for himself and Ms. BALDWIN):

S. 1073. A bill to amend the Child Abuse Prevention and Treatment Act to ensure protections for lesbian, gay, bisexual, and transgender youth and their families; to the Committee on Health, Education, Labor, and Pensions.

Mr. KAINE. Mr. President, according to the Department of Health and Human Services (HHS), lesbian, gay, and bisexual (LGB) youth are at an increased risk for experiencing maltreatment compared to non-LGB youth. A 2011 meta-analysis of 37 school-based studies found that LGB adolescents were 3.8 times more likely to experience childhood sexual abuse and 1.2 times more likely to experience physical abuse by a parent or guardian when compared to their heterosexual peers. Additional studies have demonstrated that gender nonconformity during childhood may increase the risk for child maltreatment. Unfortunately, there is not enough research and data available to identify the risk of child maltreatment for individuals who identify as transgender.

These risks for maltreatment often times result in LGBTQ youth entering the child welfare system. Studies have found that, ''LGBT young people are overrepresented in child welfare systems, despite the fact that they are likely to be underreported because they risk harassment and abuse if their LGBT identity is disclosed.'' This overrepresentation of LGBTQ youth in the foster care system raises concerns about issues in the child abuse and prevention space. Additional research is needed to understand the risk of maltreatment among LGBTQ youth, particularly those identifying as transgender. These studies will yield invaluable information to be used in developing targeted prevention strategies to reduce the rates of adverse childhood experiences of LGBTQ individuals.

This is why I am pleased to introduce the Protecting LGBTQ Youth Act, which calls for HHS and other federal agencies to carry out an interdisciplinary research program to protect LGBTQ youth from child abuse and neglect and improve the well-being of victims of child abuse or neglect. This legislation also expands current practices around demographic information collection and reporting on incidences and prevalence of child maltreatment to include sexual orientation and gender identity. Additionally, the bill opens existing grant funding opportunities to invest in the training of personnel in best practices to meet the unique needs of LGBTQ youth and calls for the inclusion of individuals experienced in working with LGBTQ youth and families in state task forces. Improving data collection and disaggregation will provide greater insight into the circumstances LGBTQ youth face in the home that, when left unaddressed, lead to entry into the child welfare system. This improved data-driven understanding can then be used to develop appropriate and effective primary prevention practices to decrease the risks faced by LGTBQ youth.

I hope that as the Senate begins to discuss the reauthorization of the Child Abuse Prevention and Treatment Act we consider the Protecting LGBTQ Youth Act to better inform our collective understanding of the risks faced by LGBTQ youth and the best ways to address them.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 148—SUPPORTING EFFORTS BY THE GOVERNMENT OF COLOMBIA TO PURSUE PEACE AND REGIONAL STABILITY

Mr. CARDIN (for himself and Mr. BLUNT) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 148

Whereas, in 2016, the Government of Colombia concluded a historic peace accord with the Revolutionary Armed Forces of Colombia (FARC), aimed at addressing the root causes of the half-a-century conflict, including stark economic inequalities, the rural-urban divide, and the historical exclusion of Afro-Colombians, indigenous people, women,

and poor farmers, and is currently working to implement these accords;

Whereas the Governments and people of the United States and Colombia have forged a resolute bond through a shared commitment to support peace, human rights, democracy, the rule of law, and security throughout the hemisphere and the world, which has been bolstered by the support of hundreds of thousands of Colombian-Americans and their contributions to American life;

Whereas, in 2000, the Government of Colombia achieved an impressive national consensus to build state capacity, and the United States committed to combat organized crime, drugs, and violence through its foreign assistance package in support of Plan Colombia;

Whereas Plan Colombia and its successor, Peace Colombia, have received steadfast commitments from the administrations of Presidents William Clinton, George W. Bush, Barack Obama, and Donald Trump, and continuously has been strengthened by broad bipartisan support in the United States Congress;

Whereas, while the Government of Colombia contributed more than 95 percent of funds over the life of Plan Colombia, the political leadership, technical advice, military assistance, and intelligence-sharing role of the United States, along with the $11,000,000,000 appropriated by the United States Congress through Plan Colombia and Peace Colombia to combat the illicit narcotics trade and transnational organized crime, advance democratic governance, promote economic growth, and defend human rights, played a key role in transforming a nation on the brink to an increasingly peaceful and prosperous democracy, while also safeguarding vital United States interests;

Whereas the Government of Colombia, throughout the administrations of Presidents Andres Pastrana, Alvaro Uribe, Juan Manuel Santos, and Ivan Duque, has made investments and shown remarkable courageous leadership, often at great cost and sacrifice, to consolidate domestic security, socioeconomic development, and the rule of law that far exceed those contributions made by the United States in Colombia;

Whereas, over the past 20 years, levels of crime and violence have subsided sharply in Colombia, with annual per capita homicide rates declining from 62 per 100,000 people in 1999 to a record low of 23 per 100,000 people in 2017;

Whereas the alignment of improved security and sound economic policies has translated into steady growth in Colombia's Gross Domestic Product, which increased from $86,000,000,000 in 1999 to more than $309,000,000,000 in 2017, and led to greater Foreign Direct Investment, which grew from $1,500,000,000 in 1999 to one of the highest in Latin America at an estimated $14,000,000,000 in 2017;

Whereas the United States and Colombia enjoy a robust economic relationship with United States goods and services trade with Colombia totaling an estimated $36,100,000,000 in 2016, supporting over 100,000 jobs in the United States;

Whereas the Government of Colombia has made impressive strides in reducing poverty during the last 15 years, with the poverty rate decreasing from 64 percent in 1999 to 27 percent in 2017, according to the World Bank;

Whereas, since 1999, the Government of Colombia has expanded the presence of the state across all 32 territorial departments, has contributed to the professionalism of the Colombian judiciary, and has improved the capacity of the Colombian Army, Navy, Air Force, and National Police;

Whereas Colombia is one of the United States' most consistent and strategic partners through its support of United States diplomatic objectives at the United Nations and critical efforts made in the fight against transnational organized crime and increased security and rule of law overseas, including in Central America's Northern Triangle, Afghanistan, and several countries in Africa;

Whereas Colombia signed a Memorandum of Understanding with NATO in 2017 and is the first NATO partner nation in Latin America;

Whereas these gains are challenged by an escalating crisis in Venezuela, which has seen an influx of more than 1,200,000 Venezuelans into Colombia and the need for continued financial support to implement the peace accord over the next 8 years;

Whereas the internal armed conflict has victimized all Colombians, including women, children, and Afro-descendant and indigenous peoples, and has led to the repeated targeting of leading representatives of civil society, including trade unionists, journalists, human rights defenders, and other community activists who remain at grave risk from guerrilla groups, paramilitary successor organizations, organized criminal groups, and corrupt local officials;

Whereas efforts to achieve lasting peace in Colombia must address the hardships faced by victims of the armed conflict, as exemplified by the Government of Colombia's Law on Victims and Restitution of Land of 2011;

Whereas the prospects for national reconciliation and sustainable peace in Colombia rely on the effective delivery of justice for victims of the conflict and the ability to hold accountable and appropriately punish perpetrators of serious violations of human rights and international humanitarian law; and

Whereas the work of Special Jurisdiction for Peace—the transitional justice mechanism created with the purpose of ensuring accountability in the context of Colombia's internal armed conflict—is fundamental to the implementation of the accords and the consolidation of peace in the country: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the unwavering support of the Government and people of the United States for the people of Colombia in their pursuit of peace and stabilization of territories previously in conflict so they can achieve their aspiration to live in a country free of violence and organized crime;

(2) lauds efforts to bring an end to Colombia's enduring internal armed conflict;

(3) commends the work of the United Nations Verification Mission in overseeing the implementation of the 2016 peace accord and the disarmament and reintegration of combatants;

(4) maintains its commitment to the more than 7,000,000 victims of Colombia's armed conflict and urges the government and FARC to hold accountable perpetrators of serious violations of human rights and international humanitarian law and ensure that they are appropriately punished;

(5) encourages the Government of Colombia to protect vulnerable populations who remain at risk in that country, including defenders of human rights, those facing threats due to crop substitution from the illicit crop market, and Afro-descendant and indigenous communities;

(6) encourages the Secretary of State to develop a comprehensive strategy to assist the Government of Colombia in managing the effects of the Venezuela crisis without endangering or detracting from the successful implementation and sustainability of the peace accord and stabilization of territories previously in conflict in Colombia, and to further strengthen the close bilateral partnership shared by the Governments of the United States and Colombia;

(7) reaffirms its commitment to continued partnership between the Governments of the United States and Colombia on issues of mutual interest, including security, counternarcotics cooperation, combating transnational organized crime, ensuring justice for those who have caused indelible harm to our populations, reintegration of FARC members, economic growth and investment with a focus on disadvantaged communities, and educational and cultural exchanges that strengthen diplomatic relations;

(8) supports the Special Jurisdiction for Peace as an important transitional justice mechanism and encourages the continuation of its work as an important institution in charge of guaranteeing truth, justice, and victim's reparations in the aftermath of the country's internal armed conflict; and

(9) commits to furthering the bilateral relationship between the United States and Colombia by working with leaders in the public and private sectors, as well as civil society from both countries, to ensure that the United States-Colombia relationship remains at the forefront of United States foreign policy.

SENATE RESOLUTION 149—EXPRESSING SUPPORT FOR THE DESIGNATION OF THE WEEK OF APRIL 8 THROUGH APRIL 12, 2019, AS ''NATIONAL ASSISTANT PRINCIPALS WEEK''

Mr. CARPER (for himself, Ms. SINEMA, and Mr. SANDERS) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 149

Whereas the National Association of Secondary School Principals (referred to in this preamble as ''NASSP''), the National Association of Elementary School Principals, and the American Federation of School Administrators have designated the week of April 8 through April 12, 2019, as ''National Assistant Principals Week'';

Whereas an assistant principal, as a member of the school administration, interacts with many sectors of the school community, including support staff, instructional staff, students, and parents;

Whereas assistant principals are responsible for establishing a positive learning environment and building strong relationships between school and community;

Whereas assistant principals play a pivotal role in the instructional leadership of their schools by supervising student instruction, mentoring teachers, recognizing the achievements of staff, encouraging collaboration among staff, ensuring the implementation of best practices, monitoring student achievement and progress, facilitating and modeling data-driven decisionmaking to inform instruction, and guiding the direction of targeted intervention and school improvement;

Whereas the day-to-day logistical operations of schools require assistant principals to monitor and address facility needs, attendance, transportation issues, and scheduling challenges, as well as to supervise extra- and co-curricular events;

Whereas assistant principals are entrusted with maintaining an inviting, safe, and orderly school environment that supports the growth and achievement of each and every

student by nurturing positive peer relationships, recognizing student achievement, mediating conflicts, analyzing behavior patterns, providing interventions, and, when necessary, taking disciplinary actions;

Whereas, since its establishment in 2004, the NASSP National Assistant Principal of the Year Program has recognized outstanding middle and high school assistant principals who demonstrate success in leadership, curriculum, and personalization; and

Whereas the week of April 8 through April 12, 2019, is an appropriate week to designate as National Assistant Principals Week: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of April 8 through April 12, 2019, as ''National Assistant Principals Week'';

(2) honors the contributions of assistant principals to the success of students in the United States; and

(3) encourages the people of the United States to observe National Assistant Principals Week with appropriate ceremonies and activities that promote awareness of the role played by assistant principals in school leadership and ensuring that every child has access to a high-quality education.

SENATE RESOLUTION 150—EXPRESSING THE SENSE OF THE SENATE THAT IT IS THE POLICY OF THE UNITED STATES TO COMMEMORATE THE ARMENIAN GENOCIDE THROUGH OFFICIAL RECOGNITION AND REMEMBRANCE

Mr. MENENDEZ (for himself, Mr. CRUZ, Mr. VAN HOLLEN, Ms. STABENOW, Mr. MARKEY, Ms. WARREN, Mr. PETERS, Mrs. FEINSTEIN, Mr. WYDEN, Ms. DUCKWORTH, Mr. RUBIO, Mr. REED, Mr. SCHUMER, Mr. GARDNER, Mr. UDALL, and Ms. HARRIS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 150

Whereas the United States has a proud history of recognizing and condemning the Armenian Genocide, the killing of an estimated 1,500,000 Armenians by the Ottoman Empire from 1915 to 1923, and providing relief to the survivors of the campaign of genocide against Armenians, Greeks, Assyrians, Chaldeans, Syriacs, Arameans, Maronites, and other Christians;

Whereas the Honorable Henry Morgenthau, Sr., United States Ambassador to the Ottoman Empire from 1913 to 1916, organized and led protests by officials of many countries against what he described as ''a campaign of race extermination,'' and, on July 16, 1915, was instructed by United States Secretary of State Robert Lansing that the ''Department approves your procedure . . . to stop Armenian persecution'';

Whereas President Woodrow Wilson encouraged the formation of Near East Relief, chartered by an Act of Congress, which raised approximately $116,000,000 (more than $2,500,000,000 in 2019 dollars) between 1915 and 1930, and the Senate adopted resolutions condemning the massacres;

Whereas Raphael Lemkin, who coined the term ''genocide'' in 1944 and who was the earliest proponent of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, invoked the Armenian case as a definitive example of genocide in the 20th century;

Whereas, as displayed in the United States Holocaust Memorial Museum, Adolf Hitler, on ordering his military commanders to attack Poland without provocation in 1939, dismissed objections by saying, ''Who, after all, speaks today of the annihilation of the Armenians?,'' setting the stage for the Holocaust;

Whereas the United States has officially recognized the Armenian Genocide—

(1) through the May 28, 1951, written statement of the United States Government to the International Court of Justice regarding the Convention on the Prevention and Punishment of the Crime of Genocide and Proclamation No. 4838 issued by President Ronald Reagan on April 22, 1981; and

(2) by House Joint Resolution 148, 94th Congress, agreed to April 8, 1975, and House Joint Resolution 247, 98th Congress, agreed to September 10, 1984; and

Whereas the Elie Wiesel Genocide and Atrocities Prevention Act of 2018 (Public Law 115–441) establishes that the prevention of atrocities is a national interest of the United States and affirms that it is the policy of the United States to pursue a United States Government-wide strategy to identify, prevent, and respond to the risk of atrocities by ''strengthening diplomatic response and the effective use of foreign assistance to support appropriate transitional justice measures, including criminal accountability, for past atrocities'': Now, therefore, be it

Resolved, That it is the sense of the Senate that it is the policy of the United States—

(1) to commemorate the Armenian Genocide through official recognition and remembrance;

(2) to reject efforts to enlist, engage, or otherwise associate the United States Government with denial of the Armenian Genocide or any other genocide; and

(3) to encourage education and public understanding of the facts of the Armenian Genocide, including the role of the United States in humanitarian relief efforts, and the relevance of the Armenian Genocide to modern-day crimes against humanity.

SENATE RESOLUTION 151—TO AUTHORIZE TESTIMONY, DOCUMENTS, AND REPRESENTATION IN UNITED STATES V. PRATERSCH

Mr. MCCONNELL (for himself and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 151

Whereas, in the case of *United States v. Pratersch*, Cr. No. 19–26, pending in the United States District Court for the Middle District of Florida, the prosecution has requested the production of testimony from Greta Hasler, an employee of the office of Senator Bernard Sanders;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent current and former Members and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Greta Hasler, an employee of the Office of Senator Bernard Sanders, and any other current or former employee of the Senator's office from whom relevant evidence may be necessary, are authorized to testify and produce documents in the case of *United States v. Pratersch*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Senator Sanders and any current or former employees of his office in connection with the production of evidence authorized in section one of this resolution.

Mr. MCCONNELL. Mr. President, on behalf of myself and the distinguished Democratic leader, Mr. SCHUMER, I send to the desk a resolution authorizing the production of testimony, documents, and representation by the Senate Legal Counsel, and ask for its immediate consideration.

Mr. President, this resolution concerns a request for evidence in a criminal action pending in Florida Federal district court. In this action the defendant is charged with threatening to assault and murder Senator SANDERS in voicemails he left with the Senator's Burlington, Vermont office. A trial is scheduled for April 29, 2019.

The prosecution is seeking testimony from one of the Senator's staff assistants who listened to the voicemails at issue. Senator SANDERS would like to cooperate with this request by providing relevant employee testimony and documents from his office.

The enclosed resolution would authorize that staffer, and any other current or former employee of the Senator's office from whom relevant evidence may be necessary, to testify and produce documents in this action, with representation by the Senate Legal Counsel of such staffers and Senator SANDERS.

SENATE RESOLUTION 152—EXPRESSING THE IMPORTANCE OF THE UNITED STATES ALLIANCE WITH THE REPUBLIC OF KOREA AND THE CONTRIBUTIONS OF KOREAN AMERICANS IN THE UNITED STATES

Mr. LANKFORD (for himself, Mr. MENENDEZ, Mr. GARDNER, and Mr. MARKEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 152

Whereas the United States and the Republic of Korea enjoy a comprehensive alliance partnership, founded in shared strategic interests and cemented by a commitment to democratic values;

Whereas the United States and the Republic of Korea work closely together to promote international peace and security, economic prosperity, human rights, and the rule of law;

Whereas the relationship between the United States and the Republic of Korea goes as far back as Korea's Chosun Dynasty, when the United States and Korea established diplomatic relations under the 1882 Treaty of Peace, Amity, Commerce, and Navigation;

Whereas, on August 15, 1948, the Provisional Government of the Republic of Korea, established on April 11, 1919, was dissolved and transitioned to the First Republic of Korea, their first independent government;

Whereas United States military personnel have maintained a continuous presence on the Korean Peninsula since the Mutual Defense Treaty Between the United States and the Republic of Korea (5 UST 2368) was signed at Washington on October 1, 1953;

Whereas, on May 7, 2013, the United States and the Republic of Korea signed a Joint Declaration in Commemoration of the 60th Anniversary of the Alliance Between the Republic of Korea and the United States;

Whereas 63 years ago the Treaty of Friendship, Commerce, and Navigation between the United States and the Republic of Korea, with Protocol (8 UST 2217) was signed at Seoul on November 28 1956;

Whereas the economic relationship between the United States and the Republic of Korea is deep and mutually beneficial to both countries;

Whereas the Republic of Korea is the United States' seventh-largest trading partner;

Whereas the Republic of Korea is the 5th fastest growing source of foreign direct investment in the United States;

Whereas the United States is the largest source of foreign direct investment in the Republic of Korea;

Whereas, on January 13, 1903, 102 pioneer Korean immigrants arrived in the United States, initiating the first chapter of Korean immigration to America;

Whereas the over 2,000,000 Korean Americans living in the United States contribute to the diversity and prosperity of our nation, participate in all facets of American life, and have made significant contributions to the economic vitality of the United States;

Whereas members of the Korean American community serve with distinction in the United States Armed Forces;

Whereas Korean Americans continue to build and strengthen the alliance between the United States and the Republic of Korea; and

Whereas the Asia Reassurance Initiative Act (Public Law 115–409), signed into law on December 31, 2018, states that the United States Government—

(1) is committed to the Mutual Defense Treaty Between the United States and the Republic of Korea and all related and subsequent bilateral security agreements and arrangements concluded on or before the date of the enactment of that Act;

(2) recognizes the vital role of the alliance between the United States and South Korea in promoting peace and security in the Indo-Pacific region; and

(3) calls for the strengthening and broadening of diplomatic, economic, and security ties between the United States and the Republic of Korea: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the vital role the alliance of the United States and the Republic of Korea plays in promoting peace and security in the Indo-Pacific region;

(2) calls for the strengthening and broadening of diplomatic, economic, and security ties between the United States and the Republic of Korea; and

(3) reaffirms the United States' alliance with the Republic of Korea is central to advancing United States interests and engagement in the region, based on shared commitments democracy, free-market economics, human rights, and the rule of law.

AUTHORITY FOR COMMITTEES TO MEET

Mr. CORNYN. Mr. President, I have 12 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, April 9, 2019, at 9:30 a.m., to conduct a hearing.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, April 9, 2019, at 10 a.m., to conduct a hearing.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Tuesday, April 9, 2019, at 10:15 a.m., to conduct a hearing on drug pricing and prescription cost.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, April 9, 2019, at 3 p.m., to conduct a hearing on the following nominations: Jeffrey L. Eberhardt, of Wisconsin, to be Special Representative of the President for Nuclear Nonproliferation, with the rank of Ambassador, and James S. Gilmore, of Virginia, to be U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador, both of the Department of State; and Alan R. Swendiman, of North Carolina, to be Deputy Director of the Peace Corps.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Tuesday, April 9, 2019, at 2:30 p.m., to conduct a hearing on the pending nominations and Gordon Hartogensis, of Connecticut, to be Director of the Pension Benefit Guaranty Corporation.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Tuesday, April 9, 2019, at 10 a.m., to conduct a hearing on immigration.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, April 9, 2019, at 10 a.m., to conduct a hearing on abortion policy.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, April 9, 2019, at 9:30 a.m., to conduct a closed hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, April 9, 2019, at 2:30 p.m., to conduct a closed hearing.

SUBCOMMITTEE ON AIRLAND

The Subcommittee on Airland of the Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, April 9, 2019, at 3 p.m., to conduct a hearing.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

The Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, April 9, 2019, at 2:30 p.m., to conduct a hearing.

SUBCOMMITTEE ON EAST ASIA, THE PACIFIC, AND INTERNATIONAL CYBERSECURITY POLICY

The Subcommittee on East Asia, The Pacific, and International Cybersecurity Policy of the Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, April 9, 2019, at 10 a.m., to conduct a hearing.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,
OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS,
April 9, 2019, Washington, DC.

Hon. CHARLES GRASSLEY,
President Pro Tempore, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: Section 303(a) of the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1383(a), provides that the Executive Director of the Office of Congressional Workplace Rights ''shall, subject to the approval of its Board of Directors, adopt rules governing the procedures of the Office, including the procedures of hearing officers, which shall be submitted for publication in the Congressional Record. The rules may be amended in the same manner.'' Section 303(b) of the Act, 2 U.S.C. 1383(b), further provides that the Executive Director ''shall publish a general notice of proposed rulemaking'' and ''shall transmit such notice to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day of which both Houses are in session following such transmittal.''

Having obtained the approval of the Board as required by section 303(b) of the CAA, 2 U.S.C. 1383(b), I am transmitting the attached notice of proposed procedural rulemaking to the President Pro Tempore of the Senate. I request that this notice be published in the Senate section of the Congressional Record on the first day on which both Houses are in session following the receipt of this transmittal. In compliance with section 303(b) of the CAA, a comment period of 30 days after the publication of this notice of proposed rulemaking is being provided before adoption of the rules.

Any inquiries regarding this notice should be addressed to Susan Tsui Grundmann, Executive Director of the Office of Congressional Workplace Rights, Room LA–200, 110

2nd Street SE, Washington, DC 20540; telephone: 202–724–9250.

Sincerely,

SUSAN TSUI GRUNDMANN,

Executive Director,

Office of Congressional Workplace Rights.

FROM THE EXECUTIVE DIRECTOR OF THE OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS: NOTICE OF PROPOSED RULEMAKING AND REQUEST FOR COMMENTS FROM INTERESTED PARTIES

PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE, NOTICE OF PROPOSED RULEMAKING, AS REQUIRED BY 2 U.S.C. §1383, THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995, AS AMENDED

Introductory Statement

Shortly after the enactment of the Congressional Accountability Act (CAA or the Act) in 1995, Procedural Rules were adopted to govern the processing of cases and controversies under the administrative procedures established in subchapter IV of the CAA. 2 U.S.C. 1401–07. Those Rules of Procedure were amended in 1998, 2004, and again in 2016. The existing Rules of Procedure are available in their entirety on the public website of the Office of Congressional Workplace Rights (OCWR): www.ocwr.gov.

Pursuant to section 303(a) of the CAA (2 U.S.C. 1383(a)), the Executive Director of the OCWR has obtained approval of its Board of Directors regarding certain amendments to the Rules of Procedure.

After obtaining the Board's approval, the OCWR Executive Director must then ''publish a general notice of proposed rulemaking . . . for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal.'' (Section 303(b) of the CAA, 2 U.S.C. 1383(b)).

Notice

Comments regarding the proposed amendments to the OCWR Procedural Rules set forth in this NOTICE are invited for a period of thirty (30) days following the date of the appearance of this NOTICE in the Congressional Record. In addition to being posted on the OCWR's website (www.ocwr.gov), this NOTICE is also available in alternative formats. Requests for this NOTICE in an alternative format should be made to the Office of Congressional Workplace Rights, at 202–724–9272 (voice). Submission of comments must be made in writing to the Executive Director, Office of Congressional Workplace Rights, 110 Second Street, S.E., Room LA–200, Washington, D.C. 20540–1999. It is requested, but not required, that an electronic version of any comments be provided via e-mail to: Alexander Ruvinsky, Alexander.Ruvinsky@ocwr.gov. Comments may also be submitted by facsimile to the Executive Director at 202–426–1913 (a non toll-free number). Those wishing to receive confirmation of the receipt of their comments are requested to provide a self-addressed, stamped post card with their submission. Copies of submitted comments will be available for review on the OCWR's public website at www.ocwr.gov.

Supplementary Information

The Congressional Accountability Act of 1995, Pub. L. No. 104–1, was enacted into law on January 23, 1995. The CAA applies the rights and protections of 13 federal labor and employment statutes to covered employees and employing offices within the legislative branch of the federal government. Section 301 of the CAA (2 U.S.C. 1381) establishes the OCWR as an independent office within that branch. Section 303 of the CAA (2 U.S.C. 1383) directs the Executive Director, as Chief Operating Officer, to adopt rules of procedure governing the OCWR, subject to approval by the Board of Directors of the Office. The OCWR Rules of Procedure establish the process by which alleged violations of the 13 laws made applicable to the legislative branch under the CAA are considered and resolved.

On December 21, 2018, the Congressional Accountability Act of 1995 Reform Act was signed into law. (Pub. L. No. 115–397). The new law reflects the first set of comprehensive reforms to the CAA since 1995. Among other reforms, the Act substantially modifies the administrative dispute resolution (ADR) process under the CAA, including: providing for preliminary hearing officer review of claims; requiring current and former Members of Congress to reimburse awards or settlement payments resulting from harassment or retaliation claims; requiring certain employing offices to reimburse payments resulting from specified claims of discrimination; and appointing advisers to provide confidential information to legislative branch employees about their rights under the CAA. Most changes to the ADR process will be effective 180 days from the date of enactment of the Reform Act, i.e., on June 19, 2019.

These proposed amendments to the OCWR's Procedural Rules are the result of the OCWR's comprehensive review of the OCWR's procedures in light of the changes in the Reform Act to the ADR program, and they reflect the OCWR's experience processing disputes under the CAA since the original adoption of these Rules in 1995.

Scope of Comments Requested

The OCWR asks commenters to provide their views on the changes to the Procedural Rules proposed by the OCWR.

Summary of the Changes

Subpart A. Subpart A of the Procedural Rules covers general provisions pertaining to scope and policy, definitions, and information on various filings and computation of time. The OCWR's proposed amendments to subpart A provide additional definitions, and also clarify pleading requirements and procedures concerning confidentiality.

Subpart B. Currently, subpart B of the Procedural Rules sets forth the pre-complaint procedures applicable to consideration of alleged violations of sections 201 through 207 of the CAA, which concern employment discrimination, family and medical leave, fair labor standards, employee polygraph protection, worker adjustment and retraining, employment and reemployment of veterans, and reprisal. Specifically, subpart B sets forth procedures for mandatory pre-complaint counseling and mediation, as well as the statutory election to file either an administrative complaint with the OCWR or a civil action in a U.S. district court. Under the CAA Reform Act, however, counseling and mediation are no longer mandatory jurisdictional prerequisites to adjudication of an alleged violation of sections 201–07 of the CAA. Therefore, the OCWR proposes to remove the procedures for mandatory counseling and mandatory mediation from subpart B. Under the proposed rules, the remaining provisions of subpart B—which concern mediation and the statutory election—appear in subpart D.

The OCWR proposes to reserve a new subpart B for proposed rules and procedures for enforcement of the inspection, investigation and complaint sections 210(d) and (f) of the CAA, which relate to Public Services and Accommodations under titles II and III of the Americans with Disabilities Act. (Subpart C had been reserved for these rules since 1995.)

Subpart C. The OCWR proposes to redesignate the contents of current subpart D as subpart C. Therefore, sections 3.01 through 3.15 of this subpart prescribe rules and procedures for enforcement of the inspection and citation provisions of section 215(c)(1) through (3) of the CAA, which concern the protections set forth in the Occupational Safety and Health Act of 1970 (OSHAct). Sections 3.20 through 3.31 contain rules of practice for administrative proceedings to grant variances and other relief under sections 6(b)(6)(A) and 6(d) of the OSHAct, as applied by section 215(c)(4) of the CAA. The proposed modifications to subpart C reflect nomenclature changes only. The modifications clarify that references to the ''Hearing Officer'' in this subpart are to the ''Merits Hearing Officer'' (defined in these proposed rules as the individual appointed by the Executive Director to preside over an administrative hearing conducted on matters within the Office's jurisdiction under section 405 of the Act), and not the ''Preliminary Hearing Officer'' (defined in these proposed rules as the individual appointed by the Executive Director to make a preliminary review of claims arising under sections 102(c) and 201 through 207 of the CAA).

Subparts D and E. The Procedural Rules currently set forth a single set of procedures for filing ''complaints'' under the CAA, whether the complaint is filed with the OCWR by an employee alleging violations of sections 201 through 207 of the Act, or by the OCWR General Counsel alleging violations of sections 210, 215 or 220 of the Act. The CAA Reform Act, however, uses the word ''claim'' to refer to an alleged violation of sections 201 through 207 of the Act (as well as an alleged violation of section 102(c) of the Act, which incorporates the protections of the Genetic Information Nondisclosure Act). As a result, the term ''complaint'' in the CAA refers only to violations alleged by the OCWR General Counsel.

Because the procedures in the Reform Act governing employee ''claims'' differ significantly from those governing General Counsel ''complaints,'' these proposed rules set forth separate procedures for each. Therefore, subpart D, which concerns employee ''claims,'' includes new procedures for informal employee requests for advice and information; confidential advising services; filing of claims; electing to file a civil action; initial processing and transmission of claims to parties; notification requirements; voluntary mediation; preliminary review of claims by a ''Preliminary Hearing Officer;'' requesting an administrative hearing before a ''Merits Hearing Officer;'' summary judgment and withdrawal of claims; confidentiality requirements; and automatic referral to congressional ethics committees.

Proposed subpart E, which concerns General Counsel complaints, sets forth procedures for filing complaints, appointment of the Merits Hearing Officer, dismissals, summary judgment, withdrawal of complaints, and confidentiality requirements. The new provisions in the Reform Act governing matters such as confidential advising services, preliminary review of claims, and automatic referral to congressional ethics committees, do not apply to OCWR General Counsel complaints alleging violations of sections 210, 215 or 220 of the Act. Therefore, they are not addressed in proposed subpart E.

Subparts F–H. Subparts F and G include the process for the conduct of administrative hearings held as the result of the filing of an administrative claim or an administrative complaint. Subpart H sets forth the procedures for appeals of decisions by Hearing Officers to the OCWR Board of Directors and for appeals of decisions by the Board of Directors to the United States Court of Appeals for the Federal Circuit.

Proposed amendments to subpart F concern such matters as depositions requests in cases in which a Member of Congress is an intervenor, rulings on motions to quash and motions to limit, and formal requirements for sworn statements. Proposed amendments to subpart G clarify the Merits Hearing Officer's authority concerning frivolous claims,

defenses, and arguments. The proposed amendments also set forth the substantive requirements for the Merits Hearing Officer's written decision, including required findings when a final decision concerns a claim alleging a violation or violations described in section 415(d)(1)(C) of the Act, which requires Members of the House of Representatives and the Senate to reimburse the ''compensatory damages'' portion of a decision, award or settlement for a violation of section 201(a), 206(a), or 207 of the Act that the Member is found to have ''committed personally.'' Proposed Amendments to subpart H concern appellate proceedings before the Board. They clarify that a report on preliminary review pursuant to section 402(c) of the CAA is not appealable to the Board.

Subpart I. Subpart I concerns other matters of general applicability to the dispute resolution process and to the OCWR's operations. Proposed amendments to subpart I concern requests for attorney fees in arbitration proceedings; informal resolution of disputes; general requirements for formal settlement agreements—including settlement of cases making allegations against a Member of Congress subject to the payment reimbursement provisions of section 415(d) of the Act.

The proposed amendments to subpart I also concern payments governed by section 415(a) of the CAA, which provides, in relevant part, that ''only funds which are appropriated to an account of the Office in the Treasury of the United States for the payment of awards and settlements may be used for the payment of awards and settlements under this chapter.'' Pursuant to section 415(a), the OCWR, through its Executive Director, prepares and processes requisitions for disbursements from the Treasury account established pursuant to section 415(a) when qualifying final decisions, awards, or approved settlements require the payment of funds. These proposed amendments provide further guidance for processing certifications of payments from the funds appropriated to the Section 415(a) Treasury Account. They are based on regulations issued by the Department of Treasury's Bureau of Fiscal Services at 31 C.F.R. part 256, which provide guidance to agencies in the executive branch for submitting requests for payments from the Judgment Fund, which is a permanent, indefinite appropriation that is available to pay many judicially and administratively ordered monetary awards against the United States. The proposed amendments also concern reimbursement to the Section 415(a) Treasury Account in cases when the Act requires: (1) Members of the House of Representatives and the Senate to reimburse the ''compensatory damages'' portion of a decision, award or settlement for a violation of section 201(a), 206(a), or 207 that the Member is found to have ''committed personally;'' and (2) employing offices (other than an employing office of the House or Senate) to reimburse awards and settlements paid from the Section 415(a) Treasury Account in connection with claims alleging violations of section 201(a) or 206(a) of the Act.

The proposed amendments to subpart I also add a new section governing the requirement in the Reform Act that employing offices must post and keep posted in conspicuous places on their premises the notices provided by the OCWR, which contain information about employees' rights and the OCWR's ADR process, along with OCWR contact information. Finally, the proposed amendments set forth rules concerning the new requirement in the Reform Act that each employing office (other than any employing office of the House of Representatives or any employing office of the Senate) submit a report both to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate on the implementation of the training and education program required under section 438(a) of the Act.

Explanation Regarding the Text of the Proposed Amendments

Only subsections of the Procedural Rules that include proposed amendments are reproduced in this NOTICE. The insertion of a series of five asterisks (* * * * *) indicates that a whole section or paragraph, including its subordinate sections paragraphs, is unchanged, and has not been reproduced in this document. The insertion of a series of three asterisks (* * *) indicates that the unamended text of higher level sections or paragraphs remain unchanged when text is changed at a subordinate level, or that preceding or remaining sentences in a paragraph are unchanged. For the text of other portions of the Procedural Rules which are not proposed to be amended, please access the Office of Congressional Workplace Rights public website at www.ocwr.gov.

Proposed Amendments

For the reasons set forth in the preamble, the OCWR proposes to amend subparts A through I of its Procedural Rules as follows:

SUBPART A—[AMENDED]

[Table of contents omitted]

1. Revise section 1.01 to read as follows:

§ 1.01 Scope and Policy

These Rules of the Office of Congressional Workplace Rights (OCWR) govern the procedures for considering and resolving alleged violations of the laws made applicable under parts A, B, C, and D of title II of the Congressional Accountability Act of 1995, as amended by the Congressional Accountability Act of 1995 Reform Act of 2018. The Rules include definitions and procedures for seeking confidential advice, preliminary review, mediation, filing a claim or complaint, and electing between filing a claim with the OCWR and filing a civil action in a United States district court under part A of title II of the CAA. The Rules also address the procedures for compliance, investigation, and enforcement under part B of title II, and for compliance, investigation, enforcement, and variance under part C of title II. The Rules include procedures for the conduct of hearings held as a result of the filing of a claim or complaint and for appeals to the OCWR Board of Directors from Merits Hearing Officers' decisions; as well as other matters of general applicability to the dispute resolution process and to the OCWR's operations. It is the OCWR's policy that these Rules shall be applied with due regard to the rights of all parties and in a manner that expedites the resolution of disputes.

2. Revise section 1.02 to read as follows:

§ 1.02 Definitions.

Except as otherwise specifically provided, the following are the definitions of terms used in these Rules:

(a) *Act.*—The term ''Act'' means the Congressional Accountability Act of 1995, as amended by the Congressional Accountability Act of 1995 Reform Act of 2018.

(b) *Board.*—The term ''Board'' means the Board of Directors of the Office of Congressional Workplace Rights.

(c) *Chair.*—The term ''Chair'' means the Chair of the Board of Directors of the Office of Congressional Workplace Rights.

(d) *Claim.*—The term ''claim'' means the allegations of fact that the claimant contends constitute a violation of part A of title II of the Act, which includes sections 102(c) and 201–207 of the Act.

(e) *Claim Form.*—The term ''claim form'' means the written pleading an individual files to initiate proceedings with the Office of Congressional Workplace Rights that describes the facts and law supporting the alleged violation of part A of title II of the Act, which includes sections 102(c) and 201–207 of the Act. The ''claim form'' also may be referred to as the ''documented claim.''

(f) *Claimant.*—The term ''claimant'' means the individual filing a claim form with the Office of Congressional Workplace Rights.

(g) *Complaint.*—The term ''complaint'' means the written pleading filed by the Office by the General Counsel with the Office of Congressional Workplace Rights that describes the facts and law supporting the alleged violation of sections 210(d)(3), 215(c)(3) or 220(c)(2) of the Act.

(h) *Confidential Advisor.*—A ''Confidential Advisor'' means, pursuant to section 382 of the Act, a lawyer appointed or designated by the Executive Director to offer to provide covered employees certain services, on a privileged and confidential basis, which a covered employee may accept or decline. A Confidential Advisor is not the covered employee's designated representative.

Covered Employee.—see ''Employee, Covered,'' below.

(i) *Designated Representative.*—The term ''designated representative'' means an individual, firm, or other entity designated in writing by a party to represent the interests of that party in a matter filed with the Office.

(j) *Direct Act.*—The term ''direct act,'' with regard to a Library claimant, means a statute (other than the Act) that is specified in sections 201, 202, or 203 of the CAA.

(k) *Direct Provision.*—The term ''direct provision,'' with regard to a Library claimant, means a direct act provision (including a definitional provision) that applies the rights or protections of a direct act (including the rights and protections relating to nonretaliation or noncoercion).

(l) *Employee.*—The term ''employee'' includes an applicant for employment and a former employee.

(m) *Employee, Covered.*—The term ''covered employee'' means any employee of

(1) the House of Representatives;

(2) the Senate;

(3) the Office of Congressional Accessibility Services;

(4) the Capitol Police;

(5) the Congressional Budget Office;

(6) the Office of the Architect of the Capitol;

(7) the Office of the Attending Physician;

(8) the Library of Congress, except for section 220 of the Act;

(9) the Office of Congressional Workplace Rights;

(10) the Office of Technology Assessment;

(11) the John C. Stennis Center for Public Service Training and Development;

(12) the China Review Commission, the Congressional Executive China Commission, and the Helsinki Commission;

(13) to the extent provided by sections 204–207 and 215 of the Act, the Government Accountability Office; or

(14) unpaid staff, as defined below in subparagraph 1.02(r) of the Rules.

(n) *Employee of the Office of the Architect of the Capitol.*—The term ''employee of the Office of the Architect of the Capitol'' includes any employee of the Office of the Architect of the Capitol, or the Botanic Garden.

(o) *Employee of the Capitol Police.*—The term ''employee of the Capitol Police'' includes civilian employees and any member or officer of the Capitol Police.

(p) *Employee of the House of Representatives.*—The term ''employee of the House of Representatives'' includes an individual occupying a position the pay for which is disbursed by the Chief Administrative Officer of

the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives, but not any such individual employed by any entity listed in subparagraphs (3) through (13) of paragraph (m) above.

(q) *Employee of the Senate*.—The term ''employee of the Senate'' includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (3) through (13) of paragraph (m) above.

(r) *Employee, Unpaid Staff*.—The term ''unpaid staff'' means:

(1) any staff member of an employing office who carries out official duties of the employing office but who is not paid by the employing office for carrying out such duties (also referred to as an ''unpaid staff member''), including an intern, an individual detailed to an employing office, and an individual participating in a fellowship program, in the same manner and to the same extent that section 201(a) and (b) of the Act applies to a covered employee; and

(2) a former unpaid staff member, if the act(s) that may be a violation of section 201(a) of the Act occurred during the service of the former unpaid staffer for the employing office.

(s) *Employing Office*.—The term ''employing office'' means:

(1) the personal office of a Member of the House of Representatives or a Senator;

(2) a committee of the House of Representatives or the Senate or a joint committee;

(3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate;

(4) the Office of Congressional Accessibility Services, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Congressional Workplace Rights;

(5) the Library of Congress, except for section 220 of the Act;

(6) the John C. Stennis Center for Public Service Training and Development, the Office of Technology Assessment, the China Review Commission, the Congressional Executive China Commission, and the Helsinki Commission; or

(7) to the extent provided by sections 204–207 and 215 of the Act, the Government Accountability Office.

(t) *Executive Director*.—The term ''Executive Director'' means the Executive Director of the Office of Congressional Workplace Rights.

(u) *Final Disposition*.—The term ''final disposition'' of a claim under section 416(d) of the Act means any of the following:

(1) An order or agreement to pay an award or settlement, including an agreement reached pursuant to mediation under section 404 of the Act;

(2) A final decision of a hearing officer under section 405(g) of the Act that is no longer subject to review by the Board under section 406;

(3) A final decision of the Board under section 406(e) of the Act that is no longer subject to appeal to the United States Court of Appeals for the Federal Circuit under section 407;

(4) A final decision in a civil action under section 408 of the Act that is no longer subject to appeal; or

(5) A final decision of an appellate court, to include the United States Court of Appeals for the Federal Circuit, that is no longer subject to review.

(v) *General Counsel*.—The term ''General Counsel'' means the General Counsel of the Office of Congressional Workplace Rights.

(w) *Hearing*.—A ''hearing'' means an administrative hearing as provided in section 405 of the Act, subject to Board review as provided in section 406 of the Act and judicial review in the United States Court of Appeals for the Federal Circuit as provided in section 407 of the Act.

(x) *Hearing Officer*.—The term ''Hearing Officer'' means any individual appointed by the Executive Director to preside over administrative proceedings within the Office of Congressional Workplace Rights.

(y) *Hearing Officer, Merits*.—The term ''Merits Hearing Officer'' means any individual appointed by the Executive Director to preside over an administrative hearing conducted on matters within the Office's jurisdiction under section 405 of the Act.

(z) *Hearing Officer, Preliminary*.—The term ''Preliminary Hearing Officer'' means an individual appointed by the Executive Director to make a preliminary review of the claim(s) and to issue a preliminary review report on such claim(s), as provided in section 403 of the Act.

(aa) *Intern*.—The term ''intern,'' for purposes of section 201(a) and (b) of the Act, means an individual who, for an employing office, performs service which is uncompensated by the United States to earn credit awarded by an educational institution or to learn a trade or occupation, and includes any individual participating in a page program operated by any House of Congress.

(bb) *Library Claimant*.—A ''Library claimant'' is a covered employee of the Library of Congress who initially brings a claim, complaint, or charge under a direct provision for a proceeding before the Library of Congress and who may, prior to requesting a hearing under the Library of Congress' procedures, elect to—

(1) continue with the Library of Congress' procedures and preserve the option (if any) to bring any civil action relating to the claim, complaint, or charge, that is available to the Library claimant; or

(2) file a claim with the Office under section 402 of the Act and continue with the corresponding procedures of this Act available and applicable to a covered employee.

(cc) *Library Visitor*.—The term ''Library visitor'' means an individual who is eligible to allege a violation under title II or III of the Americans with Disabilities Act of 1990 (other than a violation for which the exclusive remedy is under section 201 of the Act) against the Library of Congress.

(dd) *Member or Member of Congress*.—The terms ''Member'' and ''Member of Congress'' mean a United States Senator, a Representative in the House of Representatives, a Delegate to Congress, or the Resident Commissioner from Puerto Rico.

Merits Hearing Officer.—see ''Hearing Officer, Merits,'' above.

(ee) *Office*.—The term ''Office'' means the Office of Congressional Workplace Rights.

(ff) *Party*.—The term ''party'' means:

(1) an employee or employing office in a proceeding under part A of title II of the Act;

(2) a charging individual, an entity alleged to be responsible for correcting a violation, or the General Counsel in a proceeding under part B of title II of the Act;

(3) an employee, employing office, or as appropriate, the General Counsel in a proceeding under part C of title II of the Act;

(4) a labor organization, individual employing office or employing activity, or as appropriate, the General Counsel in a proceeding under part D of title II of the Act; or

(5) any individual, office, Member of Congress, or organization that has intervened in a proceeding.

Preliminary Hearing Officer.—see ''Hearing Officer, Preliminary,'' above.

(gg) *Respondent*.—The term ''respondent'' means the party against which a claim, a complaint, or a petition is filed.

(hh) *Senior Staff*.—The term ''senior staff,'' for purposes of the reporting requirement of the House and Senate Ethics Committees under the Act, means any individual who is employed in the House of Representatives or the Senate who, at the time a violation occurred, was required to file a report under title I of the Ethics in Government Act of 1978 (5 U.S.C. App. 101 *et seq.*).

Unpaid Staff.—see ''Employee, Unpaid Staff,'' above.

3. Amend section 1.03 by:

(a) Revising paragraph (a)(1);

(b) Revising the first four sentences of paragraph (a)(3); and

(c) Revising the first five sentences of paragraph (a)(4).

The revisions read as follows:

§ 1.03 Filing and Computation of Time.

(a) * * *

(1) *In Person*. A document shall be deemed timely filed if it is hand delivered to the Office at: Adams Building, Room LA–200, 110 Second Street, S.E., Washington, D.C. 20540–1999, before 5:00 p.m. Eastern Time on the last day of the applicable time period.

(2) * * *

(3) *By Fax*. Documents transmitted by fax machine will be deemed filed on the date received at the Office at 202–426–1913, or on the date received at the Office of the General Counsel at 202–426–1663 if received by 11:59 p.m. Eastern Time. Faxed documents received after 11:59 p.m. Eastern Time will be deemed filed the following business day. A fax filing will be timely only if the document is received no later than 11:59 p.m. * * *

(4) *By Electronic Mail*. Documents transmitted electronically will be deemed filed on the date received at the Office at ocwrefile@ocwr.gov, or on the date received at the Office of the General Counsel at OSH@ocwr.gov if received by 11:59 p.m. Eastern Time. Documents received electronically after 11:59 p.m. Eastern Time will be deemed filed the following business day. An electronic filing will be timely only if the document is received no later than 11:59 p.m. Eastern Time on the last day of the applicable filing period. Any party filing a document electronically is responsible for ensuring both that the document is timely and accurately transmitted and for confirming that the Office has received the document. * * *

* * * * *

4. Amend section 1.04 by:

(a) Revising paragraph (a);

(b) Revising the first sentence of paragraph (b); and

(c) Revising paragraphs (c) through (d).

The revisions read as follows:

§ 1.04 Filing, Service, and Size Limitations of Motions, Briefs, Responses, and Other Documents.

(a) *Filing with the Office; Number and Form*. One copy of claims, General Counsel complaints, requests for mediation, requests for inspection under OSH, unfair labor practice charges, charges under titles II and III of the Americans with Disabilities Act of 1990, all motions, briefs, responses, and other documents must be filed with the Office. A party may file an electronic version of any submission in a format designated by the Board, the Executive Director, the General Counsel, or the Merits Hearing Officer, with receipt confirmed by electronic transmittal in the same format.

(b) *Service*. The parties shall serve on each other one copy of all motions, briefs, responses and other documents filed with the

Office, other than the request for advising, the request for mediation, and the claim. * * *

(c) *Time Limitations for Response to Motions or Briefs and Reply*. Unless otherwise specified by the Merits Hearing Officer or these Rules, a party shall file a response to a motion or brief within 15 days of the service of the motion or brief upon the party. Any reply to such response shall be filed and served within 5 days of the service of the response. Only with the Merits Hearing Officer's advance approval may either party file additional responses or replies.

(d) *Size Limitations*. Except as otherwise specified no brief, motion, response, or supporting memorandum filed with the Office shall exceed 35 double-spaced pages, exclusive of the table of contents, table of authorities and attachments. The Board, the Executive Director, or the Merits Hearing Officer may modify this limitation upon motion and for good cause shown, or on their own initiative. Briefs, motions, responses, and supporting memoranda shall be on standard letter-size paper (8-½″ x 11″). If a filing exceeds 35 double-spaced pages, the Board, the Executive Director, or the Merits Hearing Officer may, in their discretion, reject the filing in whole or in part, and may provide the parties an opportunity to refile.

5. Amend section 1.05 by revising paragraph (a). The revisions read as follows:

§ 1.05 Signing of Pleadings, Motions, and Other Filings; Violation of Rules; Sanctions.

(a) *Signing*. Every pleading, motion, and other filing of a party represented by an attorney or other designated representative shall be signed by the attorney or representative. A party who is not represented shall sign the pleading, motion or other filing. In the case of an electronic filing, an electronic signature is acceptable. The signature of a representative or party constitutes a certificate by the signer that the signer has read the pleading, motion, or other filing; that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, each of the following is correct:

(1) It is not presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of resolution of the matter;

(2) The claims, defenses, and other legal contentions the party advocates are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

(3) The factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further review or discovery; and

(4) The denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

* * * * *

6. Amend section 1.06 by:

(a) Revising paragraph (a);

(b) Revising the first sentence of paragraph (b);

(c) Revising paragraphs (c) through (d); and

(d) Removing paragraph (f).

The revisions read as follows:

§ 1.06 Availability of Official Information.

(a) *Policy*. It is the policy of the Board, the Executive Director, and the General Counsel, except as otherwise ordered by the Board, to make available for public inspection and copying final decisions and orders of the Board and the Office, as specified and described in subparagraph (d) below.

(b) *Availability*. Any person may examine and copy items described in paragraph (a) above at the Office of Congressional Workplace Rights, Adams Building, Room LA–200, 110 Second Street SE, Washington, D.C. 20540–1999, under conditions prescribed by the Office, including requiring payment for copying costs, and at reasonable times during normal working hours so long as it does not interfere with the efficient operations of the Office. * * *

(c) *Copies of Forms*. Copies of blank forms prescribed by the Office for the filing of claims, complaints, and other actions or requests may be obtained from the Office or online at *www.ocwr.gov*.

* * * * *

(f) [Removed]

7. Amend section 1.07 by republishing the first two sentences of paragraph (c) and revising the third sentence of paragraph (c). The revisions read as follows:

§ 1.07 Designation of Representative.

* * * * *

(c) *Revocation of a Designation of Representative*. A revocation of a designation of representative, whether made by the party or by the representative with notice to the party, must be made in writing and filed with the Office. The revocation will be deemed effective the date of receipt by the Office. Consistent with any applicable statutory time limit, at the discretion of the Executive Director, General Counsel, mediator, hearing officer, or Board, additional time may be provided to allow the party to designate a new representative as consistent with the Act.

8. Amend section 1.08 by:

(a) Revising paragraphs (a) through (e); and

(b) Republishing paragraph (f).

The revisions read as follows:

§ 1.08 Confidentiality.

(a) *Policy*. Except as provided in sections 302(d) and 416(c), (d), and (e) of the Act, the Office shall maintain confidentiality in the confidential advising process, mediation, and the proceedings and deliberations of hearing officers and the Board in accordance with sections 302(d)(2)(B) and 416(a)–(b) of the Act.

(b) *Participant*. For the purposes of this rule, ''participant'' means an individual or entity who takes part as either a party, witness, or designated representative in confidential advising under section 302(d) of the Act, mediation under section 404, the claim and hearing process under section 405, or an appeal to the Board under section 406 of the Act, or any related proceeding which is expressly or by necessity deemed confidential under the Act or these rules.

(c) *Prohibition*. Unless specifically authorized by the provisions of the Act or by these rules, no participant in the confidential advising process, mediation, or other proceedings made confidential under section 416 of the Act may disclose a written or an oral communication that is prepared for the purpose of or that occurs during the confidential advising process, mediation, and the proceedings and deliberations of Hearing Officers and the Board.

(d) *Exceptions*. Nothing in these rules prohibits a party or its representative from disclosing information obtained in mediation or hearings when reasonably necessary to investigate claims, ensure compliance with the Act, or prepare its prosecution or defense. However, the party making the disclosure shall take all reasonably appropriate steps to ensure that persons to whom the information is disclosed maintain the confidentiality of such information. These rules do not preclude a mediator from consulting with the Office, except that when the covered employee is an employee of the Office, a mediator shall not consult with any individual within the Office who is or who might be a party or witness. These rules do not preclude the Office from reporting information to the Senate and House of Representatives as required by the Act.

(e) *Contents or Records of Mediation or Hearings*. For the purpose of this rule, the contents or records of the confidential advising process, mediation or other proceeding includes the information disclosed by participants to the proceedings, and records disclosed by the opposing party, witnesses, or the Office. A participant is free to disclose facts and other information obtained from any source outside of the mediation or hearing. For example, an employing office or its representatives may disclose information about its employment practices and personnel actions, provided that the information was not obtained in a confidential proceeding. However, a claimant who obtains that information in mediation or other confidential proceeding may not disclose such information. Similarly, information forming the basis for the allegation of a claimant may be disclosed by that claimant, provided that the information contained in those allegations was not obtained in a confidential proceeding. However, the employing office or its representatives may not disclose that information if it was obtained in a confidential proceeding.

(f) *Sanctions*. The Executive Director will advise all participants in the mediation and hearing at the time they became participants of the confidentiality requirements of section 416 of the Act and that sanctions may be imposed by a Hearing Officer for a violation of those requirements. No sanctions may be imposed except for good cause and the particulars of which must be stated in the sanction order.

SUBPART B—[AMENDED]

[Table of contents omitted]

Amend subpart B by:

(1) Removing sections 2.01 through 2.07; and

(2) Reserving subpart B for rules concerning ''Compliance, Investigation, and Enforcement under Section 210 of the Act (ADA Public Services)—Inspections and Complaints''

SUBPART C—[REDESIGNATED AND AMENDED]

[Table of contents omitted]

1. Amend subpart C by:

(a) Redesignating subpart D as subpart C, and amending the references as indicated in the table below:

Old Section	New Section
4.01	3.01
4.02	3.02
4.03	3.03
4.04	3.04
4.05	3.05
4.06	3.06
4.07	3.07
4.08	3.08
4.09	3.09
4.10	3.10
4.11	3.11
4.12	3.12
4.13	3.13
4.14	3.14
4.15	3.15
4.20	3.20
4.21	3.21
4.22	3.22
4.23	3.23
4.24	3.24
4.25	3.25
4.26	3.26
4.27	3.27
4.28	3.28
4.29	3.29
4.30	3.30
4.31	3.31

(b) In subpart C, when referencing sections 4.01 through 4.15 or 4.20 through 4.31, writing the corresponding new section number as indicated in the table above.

2. Amend redesignated section 3.07 by revising the last sentence of paragraph (g)(1) as follows:

* * * * *

§ 3.07 Conduct of Inspections.

* * * * *

(g) *Trade Secrets.*

(1) * * * In any such proceeding the Merits Hearing Officer or the Board shall issue such orders as may be appropriate to protect the confidentiality of trade secrets.

4. Amend redesignated section 3.14 by revising the second sentence of paragraph (b) as follows:

§ 3.14 Failure to Correct a Violation for Which a Citation Has Been Issued; Notice of Failure to Correct Violation; Complaint.

* * * * *

(b) * * * The complaint shall be submitted to a Merits Hearing Officer for decision pursuant to subsections (b) through (h) of section 405 of the Act, subject to review by the Board pursuant to section 406. * * *

3. Amend redesignated section 3.22 by revising the second sentence as follows:

§ 3.22 Effect of Variances.

* * * In its discretion, the Board may decline to entertain an application for a variance on a subject or issue concerning which a citation has been issued to the employing office involved and a proceeding on the citation or a related issue concerning a proposed period of abatement is pending before the General Counsel, a Merits Hearing Officer, or the Board until the completion of such proceeding.

4. Amend redesignated section 3.25 by:

(a) Revising the second sentence of paragraph (a); and

(b) Revising the second sentence of paragraph (c)(1).

The revisions read as follows:

§ 3.25 Applications for Temporary Variances and Other Relief.

(a) *Application for Variance.* * * * Pursuant to section 215(c)(4) of the Act, the Board shall refer any matter appropriate for hearing to a Merits Hearing Officer under subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406. * * *

* * * * *

(c) *Interim Order.*

(1) *Application.* * * * The Merits Hearing Officer to whom the Board has referred the application may rule ex parte upon the application.

* * * * *

5. Amend redesignated section 3.26 by:

(a) Revising the second sentence of paragraph (a); and

(b) Revising the second sentence of paragraph (c)(1).

The revisions read as follows:

§ 3.26 Applications for Permanent Variances and Other Relief.

(a) *Application for Variance.* * * * Pursuant to section 215(c)(4) of the Act, the Board shall refer any matter appropriate for hearing to a Merits Hearing Officer under subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406.

* * * * *

(c) *Interim Order.*

(1) *Application.* * * * The Merits Hearing Officer to whom the Board has referred the application may rule ex parte upon the application.

* * * * *

6. Amend redesignated section 3.28 by revising paragraph (a)(1) as follows:

§ 3.28 Action on Applications.

(a) *Defective Applications.*

(1) If an application filed pursuant to sections 3.25(a), 3.26(a), or 3.27 of these Rules does not conform to the applicable section, the Merits Hearing Officer or the Board, as applicable, may deny the application.

* * * * *

7. Amend redesignated section 3.29 by revising it as follows:

§ 3.29 Consolidation of Proceedings.

On the motion of the Merits Hearing Officer or the Board or that of any party, the Merits Hearing Officer or the Board may consolidate or contemporaneously consider two or more proceedings which involve the same or closely related issues.

8. Amend redesignated section 3.30 by

(1) Revising the second sentence of paragraph (a)(1);

(2) Revising paragraph (b)(3);

(3) Revising paragraph (c); and

(4) Revising paragraph (d).

The revisions read as follows:

§ 3.30 Consent Findings and Rules or Orders.

(a) *General.* * * * The allowance of such opportunity and the duration thereof shall be in the discretion of the Merits Hearing Officer, after consideration of the nature of the proceeding, the requirements of the public interest, the representations of the parties, and the probability of an agreement which will result in a just disposition of the issues involved.

(b) *Contents.* Any agreement containing consent findings and rule or order disposing of a proceeding shall also provide:

* * * * *

(3) a waiver of any further procedural steps before the Merits Hearing Officer and the Board; and

* * * * *

(c) *Submission.* On or before the expiration of the time granted for negotiations, the parties or their counsel may:

(1) submit the proposed agreement to the Merits Hearing Officer for his or her consideration; or

(2) inform the Merits Hearing Officer that agreement cannot be reached.

(d) *Disposition.* In the event an agreement containing consent findings and rule or order is submitted within the time allowed therefor, the Merits Hearing Officer may accept such agreement by issuing his or her decision based upon the agreed findings.

9. Amend redesignated section 3.31 by revising paragraph (a) as follows:

§ 3.31 Order of Proceedings and Burden of Proof.

(a) *Order of Proceeding.* Except as may be ordered otherwise by the Merits Hearing Officer, the party applicant for relief shall proceed first at a hearing.

* * * * *

SUBPART D—[AMENDED]

Add a new subpart D as follows:

SUBPART D—CLAIMS PROCEDURES APPLICABLE TO CONSIDERATION OF ALLEGED VIOLATIONS OF SECTIONS 102(c) AND 201–07 OF THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995, AS AMENDED BY THE CAA REFORM ACT OF 2018.

[Table of Contents omitted]

§ 4.01 Matters Covered by this Subpart.

(a) These rules govern the processing of any allegation that sections 102(c) or 201 through 206 of the Act have been violated and any allegation of intimidation or reprisal prohibited under section 207 of the Act. Sections 102(c) and 201–06 of the Act apply to covered employees and employing offices certain rights and protections of the following laws:

(1) the Fair Labor Standards Act of 1938

(2) title VII of the Civil Rights Act of 1964

(3) title I of the Americans with Disabilities Act of 1990

(4) the Age Discrimination in Employment Act of 1967

(5) the Family and Medical Leave Act of 1993

(6) the Employee Polygraph Protection Act of 1988

(7) the Worker Adjustment and Retraining Notification Act

(8) the Rehabilitation Act of 1973

(9) chapter 43 (relating to veterans' employment and re-employment) of title 38, United States Code

(10) chapter 35 (relating to veterans' preference) of title 5, United States Code

(11) the Genetic Information Nondiscrimination Act of 2008

(b) This subpart applies to the covered employees and employing offices as defined in subparagraphs 1.02(m) and (s) of these Rules and any activities within the coverage of sections 102(c) and 201–07 of the Act and referenced above in subparagraph 4.01(a) of these Rules.

§ 4.02 Requests for Advice and Information.

At any time, an employee or an employing office may seek from the Office informal advice and information on the procedures of the Office and under the Act and information on the protections, rights and responsibilities under the Act and procedures available under the Act. The Office will maintain the confidentiality of requests for such advice or information.

§ 4.03 Confidential Advising Services.

(a) *Appointment or Designation of Confidential Advisors.* The Executive Director shall appoint or designate one or more Confidential Advisors to carry out the duties set forth in section 302(d)(2) of the Act.

(1) *Qualifications.* A Confidential Advisor appointed or designated by the Executive Director must be a lawyer who is admitted to practice before, and is in good standing with, the bar of a State or territory of the United States or the District of Columbia, and who has experience representing clients in cases involving the laws incorporated by section 102 of the Act. A Confidential Advisor may be an employee of the Office. A Confidential Advisor cannot serve as a mediator in any mediation conducted pursuant to section 404 of the Act.

(2) *Restrictions.* A Confidential Advisor may not act as the designated representative for any covered employee in connection with the covered employee's participation in any proceeding, including any proceeding under the Act, any judicial proceeding, or any proceeding before any committee of Congress. A Confidential Advisor may not offer or provide any of the services in section 302(d)(2) of the Act if the covered employee has designated an attorney representative in connection with the employee's participation in any proceeding under the Act, except that the Confidential Advisor may provide general assistance and information to the attorney representative regarding the Act and the role of the Office, as the Confidential Advisor deems appropriate.

(3) *Continuity of Service.* Once a covered employee has accepted and received any services offered under section 302(d)(2) of the Act from a Confidential Advisor, any other services requested under section 302(d)(2) by the covered employee shall be provided, to the extent practicable, by the same Confidential Advisor.

(b) *Who May Obtain the Services of a Confidential Advisor.* The services provided by a Confidential Advisor are available to any covered employee, including any unpaid staff and any former covered employee, except that a former covered employee may only request such services if the alleged violation occurred during the employment or service of the employee; and a covered employee

may only request such services before the end of the 180–day period described in section 402(d) of the Act.

(c) *Services Provided by a Confidential Advisor*. A Confidential Advisor shall offer to provide the following services to covered employees, on a privileged and confidential basis, which may be accepted or declined:

(1) informing, on a privileged and confidential basis, a covered employee who has been subject to a practice that may be a violation of sections 102(c) or 201–07 of the Act about the employee's rights under the Act;

(2) consulting, on a privileged and confidential basis, with a covered employee who has been subject to a practice that may be a violation of sections 102(c) or 201–07 of the Act regarding—

(A) the roles, responsibilities, and authority of the Office; and

(B) the relative merits of securing private counsel, designating a nonattorney representative, or proceeding without representation for proceedings before the Office;

(3) advising and consulting, on a privileged and confidential basis, with a covered employee who has been subject to a practice that may be a violation of sections 102(c) or 201–07 of the Act regarding any claims the covered employee may have under title IV of the Act, the factual allegations that support each such claim, and the relative merits of the procedural options available to the employee for each such claim;

(4) assisting, on a privileged and confidential basis, a covered employee who seeks consideration under title IV of an allegation of a violation of sections 102(c) or 201–07 of the Act in understanding the procedures, and the significance of the procedures, described in title IV, including—

(A) assisting or consulting with the covered employee regarding the drafting of a claim form to be filed under section 402(a) of the Act; and

(B) consulting with the covered employee regarding the procedural options available to the covered employee after a claim form is filed, and the relative merits of each option; and

(5) informing, on a privileged and confidential basis, a covered employee who has been subject to a practice that may be a violation of sections 102(c) or 201–07 of the Act about the option of pursuing, in appropriate circumstances, a complaint with the Committee on Ethics of the House of Representatives or the Select Committee on Ethics of the Senate.

(d) *Privilege and Confidentiality*. Although the Confidential Advisor is not the employee's representative, the services provided under subparagraph (c) of this section, and any related communications between the Confidential Advisor and the employee before or after the filing of a claim, shall be strictly confidential and shall be privileged from discovery. All of the records maintained by a Confidential Advisor regarding communications between the employee and the Confidential Advisor are the property of the Confidential Advisor and not the Office, are not records of the Office within the meaning of section 301(m) of the Act, shall be maintained by the Confidential Advisor in a secure and confidential manner, and may be destroyed under appropriate circumstances. Upon request from the Office, the Confidential Advisor may provide the Office with statistical information about the number of contacts from covered employees and the general subject matter of the contacts from covered employees.

§ 4.04 Claims.

(a) *Who May File*. A covered employee alleging any violation of sections 102(c) or 201–07 of the Act may commence a proceeding by filing a timely claim pursuant to section 402 of the Act.

(b) *When to File*.

(1) A covered employee may not file a claim under this section alleging a violation of law after the expiration of the 180–day period that begins on the date of the alleged violation.

(2) *Special Rule for Library of Congress Claimants*. A claim filed by a Library claimant shall be deemed timely filed under section 402 of the Act:

(A) if the Library claimant files the claim within the time period specified in subparagraph (1); or

(B) the Library claimant:

(i) initially filed a claim under the Library of Congress's procedures set forth in the applicable direct provision under section 401(d)(1)(B) of the Act;

(ii) met any initial deadline under the Library of Congress's procedures for filing the claim; and

(iii) subsequently elected to file a claim with the Office under section 402 of the Act prior to requesting a hearing under the Library of Congress's procedures.

(c) *Form and Contents*. All claims shall be on the form provided by the Office either on paper or electronically, signed manually or electronically under oath or affirmation by the claimant or the claimant's representative, and contain the following information, if known:

(1) the name, mailing and e-mail addresses, and telephone number(s) of the claimant;

(2) the name of the employing office against which the claim is brought;

(3) the name(s) and title(s) of the individual(s) involved in the conduct that the employee alleges is a violation of the Act;

(4) a description of the conduct being challenged, including the date(s) of the conduct;

(5) a description of why the claimant believes the challenged conduct is a violation of the Act;

(6) a statement of the specific relief or remedy sought; and

(7) the name, mailing and e-mail addresses, and telephone number of the representative, if any, who will act on behalf of the claimant.

(d) *Election of Remedies for Library of Congress Employees*. A Library claimant who initially files a claim for an alleged violation as provided in section 402 of the Act may, at any time within 10 days after a Preliminary Hearing Officer submits the report on the preliminary review of the claim pursuant to section 403, elect instead to bring the claim before the Library of Congress under the corresponding direct provision.

§ 4.05 Right to File a Civil Action.

(a) A covered employee may file a civil action in Federal district court pursuant to section 401(b) of the Act if the covered employee:

(1) has timely filed a claim as provided in section 402 of the Act; and

(2) has not submitted a request for an administrative hearing on the claim pursuant to section 405(a) of the Act.

(b) *Period for Filing a Civil Action*. A civil action pursuant to section 401(b) of the Act must be filed within a 70–day period beginning on the date the claim form was filed.

(c) *Effect of Filing a Civil Action*. If a claimant files a civil action concerning a claim during a preliminary review of that claim pursuant to section 403 of the Act, the review terminates immediately upon the filing of the civil action, and the Preliminary Hearing Officer has no further involvement.

(d) *Notification of Filing a Civil Action*. A claimant filing a civil action in Federal district court pursuant to section 401(b) of the Act shall notify the Office within 10 days of the filing.

§ 4.06 Initial Processing and Transmission of Claim; Notification Requirements.

(a) After receiving a claim form, the Office shall record the pleading, transmit immediately a copy of the claim form to the head of the employing office and the designated representative of that office, and provide the parties with all relevant information regarding their rights under the Act. An employee filing an amended claim form pursuant to § 4.04 of these Rules shall serve a copy of the amended claim form upon all other parties in the manner provided by § 1.04(b). A copy of these Rules also may be provided to the parties upon request. The Office shall include a service list containing the names and addresses of the parties and their designated representatives.

(b) *Notification of Availability of Mediation*.

(1) Upon receipt of a claim form, the Office shall notify the covered employee who filed the claim form about the mediation process under section 4.07 of these Rules below and the deadlines applicable to mediation.

(2) Upon transmission to the employing office of the claim, the Office shall notify the employing office about the mediation process under the Act and the deadlines applicable to mediation.

(c) *Special Notification Requirements for Claims Based on Acts by Members of Congress*. When a claim alleges a violation described in subparagraphs (A) and (B) of section 402(b)(2) of the Act that consists of a violation described in section 415(d)(1)(A) by a Member of Congress, the Office shall notify immediately such Member of the claim, the possibility that the Member may be required to reimburse the account described in section 415(a) of the Act for the reimbursable portion of any award or settlement in connection with the claim, and the right of the Member under section 415(d)(8) to intervene in any mediation, hearing, or civil action under the Act as to the claim.

(d) *Special Rule for Architect of the Capitol, Capitol Police and Library of Congress Employees*. The Executive Director, after receiving a claim filed under section 402 of the Act, may recommend that a claimant use, for a specific period of time, the grievance procedures referenced in any Memorandum of Understanding between the Office and the Architect of the Capitol, the Capitol Police, or the Library of Congress. Any pending deadline in the Act relating to a claim for which the claimant uses such grievance procedures shall be stayed during that specific period of time.

§ 4.07 Mediation.

(a) *Overview*. Mediation is a process in which employees, including unpaid staff for purposes of section 201 of the Act, employing offices, and their representatives, if any, meet with a mediator trained to assist them in resolving disputes. As participants in the mediation, employees, employing offices, and their representatives discuss alternatives to continuing their dispute, including the possibility of reaching a voluntary, mutually satisfactory resolution. The mediator cannot impose a specific resolution, and all information discussed or disclosed in the course of any mediation shall be strictly confidential, pursuant to section 416 of the Act. Notwithstanding the foregoing, section 416 expressly provides that a covered employee may disclose the ''factual allegations underlying the covered employee's claim'' and an employing office may disclose ''the factual allegations underlying the employing office's defense to the claim[.]''

(b) *Availability of Optional Mediation*. Upon receipt of a claim filed pursuant to section 402 of the Act, the Office shall notify the covered employee and the employing office about the process for mediation and applicable deadlines. If the claim alleges a Member

committed an act made unlawful under sections 201(a), 206(a) or 207 of the Act which consists of a violation of section 415(d)(1)(A), the Office shall permit the Member to intervene in the mediation. The request for mediation shall contain the claim number, the requesting party's name, office or personal address, e-mail address, telephone number, and the opposing party's name. Failure to request mediation does not adversely impact future proceedings.

(c) *Timing*. The covered employee or the employing office may file a written request for mediation beginning on the date that the covered employee or employing office, respectively, receives notice from the Office about the mediation process. The time to request mediation under these rules ends on the date on which a Merits Hearing Officer issues a written decision on the claim, or the covered employee files a civil action,

(d) *Notice of Commencement of the Mediation*. The Office shall promptly notify the opposing party or its designated representative of the request for mediation and the deadlines applicable to such mediation. When a claim alleges a violation described in subparagraphs (A) and (B) of section 402(b)(2) of the Act that consists of a violation described in section 415(d)(1)(A) by a Member of Congress, the Office shall notify immediately such Member of the right to intervene in any mediation concerning the claim.

(e) *Selection of Mediators; Disqualification*. Upon receipt of the second party's agreement to mediate, the Executive Director shall assign one or more mediators from a master list developed and maintained pursuant to section 404 of the Act, to commence the mediation process. Should the mediator consider himself or herself unable to perform in a neutral role in a given situation, he or she shall withdraw from the matter and immediately shall notify the Office of the withdrawal. Any party may ask the Office to disqualify a mediator by filing a written request, including the reasons for such request, with the Executive Director. This request shall be filed as soon as the party has reason to believe there is a basis for disqualification. The Executive Director's decision on this request shall be final and unreviewable.

(f) *Duration and Extension*.

(1) The mediation period shall be 30 days beginning on the first day after the second party agrees to mediate the matter.

(2) The Executive Director shall extend the mediation period an additional 30 days upon the joint written request of the parties, or of the appointed mediator on behalf of the parties. The request shall be written and filed with the Executive Director no later than the last day of the mediation period.

(g) *Effect of Mediation on Proceedings*.

Upon the parties' agreement to mediate a claim, any deadline relating to the processing of that claim that has not already passed by the first day of the mediation period, shall be stayed during the mediation period.

(h) *Procedures*.

(1) *The Mediator's Role*. After assignment of the case, the mediator will contact the parties. The mediator has the responsibility to conduct the mediation, including deciding how many meetings are necessary and who may participate in each meeting. The mediator may accept and may ask the parties to provide written submissions.

(2) *The Agreement to Mediate*. At the commencement of the mediation, the mediator will ask the participants and/or their representatives to sign an agreement prepared by the Office (''the Agreement to Mediate''). The Agreement to Mediate will define what is to be kept confidential during mediation and set out the conditions under which mediation will occur, including the requirement that the participants adhere to the confidentiality of the process and a notice that a breach of the mediation agreement could result in sanctions later in the proceedings.

(i) The parties, including an intervenor Member, may elect to participate in mediation proceedings through a designated representative, provided that the representative has actual authority to agree to a settlement agreement, or has immediate access to someone with actual settlement authority, and provided further that, should the mediator deem it appropriate at any time, the physical presence in mediation of any party may be required. The Office may participate in the mediation process through a representative and/or observer. The mediator may determine, as best serves the interests of mediation, whether the participants may meet jointly or separately with the mediator. At the request of any of the parties, the parties shall be separated during medation.

(j) *Informal Resolutions and Settlement Agreements*. At any time during mediation the parties may resolve or settle a dispute in accordance with subparagraph 9.03 of these Rules.

(k) *Conclusion of the Mediation Period and Notice*. If, at the end of the mediation period, the parties have not resolved the matter that forms the basis of the request for mediation, the Office shall provide the employee, Member, and the employing office, and their representatives, with written notice that the mediation period has concluded. The written notice will be e-filed, e†mailed, sent by first-class mail, faxed, or personally delivered.

(l) *Independence of the Mediation Process and the Mediator*. The Office will maintain the independence of the mediation process and the mediator. No individual appointed by the Executive Director to mediate may conduct or aid in a hearing conducted under section 405 of the Act with respect to the same matter or shall be subject to subpoena or any other compulsory process with respect to the same matter.

(m) *Violation of Confidentiality in Mediation*. An alleged violation of the confidentiality provisions may be made by a party in mediation to the mediator during the mediation period and, if not resolved by agreement in mediation, to a Merits Hearing Officer during proceedings brought under section 405 of the Act.

(n) *Exceptions to Confidentiality in Mediation*. It shall not be a violation of confidentiality to provide the information required by sections 301(l) and 416(d) of the Act.

§ 4.08 Preliminary Review of Claims.

(a) *Appointment of Preliminary Hearing Officer*. Not later than 7 days after transmission to the employing office of a claim or claims, the Executive Director shall appoint a hearing officer to conduct a preliminary review of the claim or claims filed by the claimant. The appointment of the Preliminary Hearing Officer shall be in accordance with the requirements of section 405(c) of the Act.

(b) *Disqualifying a Preliminary Hearing Officer*.

(1) In the event that a Preliminary Hearing Officer considers himself or herself disqualified, either because of personal bias or of an interest in the case or for some other disqualifying reason, he or she shall withdraw from the case, stating in writing or on the record the reasons for his or her withdrawal, and shall immediately notify the Office of the withdrawal.

(2) Any party may file a motion requesting that a Preliminary Hearing Officer withdraw on the basis of personal bias or of an interest in the case or for some other disqualifying reason. This motion shall specifically set forth the reasons supporting the request and be filed as soon as the party has reason to believe that there is a basis for disqualification.

(3) The Preliminary Hearing Officer shall promptly rule on the withdrawal motion. If the motion is granted, the Executive Director will appoint another Preliminary Hearing Officer within 3 days. Any objection to the Preliminary Hearing Officer's ruling on the withdrawal motion shall not be deemed waived by a party's further participation in the preliminary review process. Such objection will not stay the conduct of the preliminary review process.

(c) *Assessments Required*. In conducting a preliminary review of a claim or claims under this section, the Preliminary Hearing Officer shall assess each of the following:

(1) whether the claimant is a covered employee authorized to obtain relief relating to the claim(s) under the Act;

(2) whether the office which is the subject of the claim(s) is an employing office under the Act;

(3) whether the individual filing the claim(s) has met the applicable deadlines for filing the claim(s) under the Act;

(4) the identification of factual and legal issues in the claim(s);

(5) the specific relief sought by the claimant;

(6) whether, on the basis of the assessments made under paragraphs (1) through (5), the claimant is a covered employee who has stated a claim for which, if the allegations contained in the claim are true, relief may be granted under the Act; and

(7) the potential for the settlement of the claim(s) without a formal hearing as provided under section 405 of the Act or a civil action as provided under section 408 of the Act.

(d) *Amendments to Claims*. Amendments to the claim(s) may be permitted in the Preliminary Hearing Officer's discretion, taking the following factors into consideration:

(1) whether the amendments relate to the cause of action set forth in the claim(s); and

(2) whether such amendments will unduly prejudice the rights of the employing office, or of other parties, unduly delay the preliminary review, or otherwise interfere with or impede the proceedings.

(e) *Report on Preliminary Review*.

(1) Except as provided in subparagraph (2), not later than 30 days after a claim form is filed, the Preliminary Hearing Officer shall submit to the claimant and the respondent(s) a report on the preliminary review. The report shall include a determination whether the claimant is a covered employee who has stated a claim for which, if the allegations contained in the claim are true, relief may be granted under the Act. Submitting the report concludes the preliminary review.

(2) In determining whether a claimant has stated a claim for which relief may be granted under the Act, the Preliminary Hearing Officer shall:

(A) be guided by judicial and Board decisions under the laws made applicable by section 102 of the Act; and

(B) consider whether the legal contentions the claimant advocates are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law.

(3) *Extension of Deadline*. The Preliminary Hearing Officer may, upon notice to the individual filing the claim(s) and the respondent(s), use an additional period of not to exceed 30 days to conclude the preliminary review.

(f) *Effect of Determination of Failure to State a Claim for which Relief may be Granted*.

(1) If the Preliminary Hearing Officer's report under subparagraph (e) includes the determination that the claimant is not a covered employee or has not stated a claim for which relief may be granted under the Act:

(A) the claimant (including a Library claimant) may not obtain an administrative hearing as provided under section 405 of the Act as to the claim; and

(B) the Preliminary Hearing Officer shall provide the claimant and the Executive Director with written notice that the claimant may file a civil action as to the claim in accordance with section 408 of the Act.

(2) The claimant must file the civil action not later than 90 days after receiving the written notice referred to in subparagraph (1)(B).

(g) *Transmission of Report on Preliminary Review of Certain Claims to Congressional Ethics Committees.* When a Preliminary Hearing Officer issues a report on the preliminary review of a claim alleging a violation described in section 415(d)(1)(A) of the Act, the Preliminary Hearing Officer shall transmit the report to—

(1) the Committee on Ethics of the House of Representatives, in the case of such an alleged act by a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress); or

(2) the Select Committee on Ethics of the Senate, in the case of such an alleged act by a Senator.

§ 4.09 Request for Administrative Hearing.

(a) Except as provided in subparagraph (b), a claimant may submit to the Executive Director a written request for an administrative hearing under section 405 of the Act not later than 10 days after the Preliminary Hearing Officer submits the report on the preliminary review of a claim under section 403(c).

(b) Subparagraph (a) does not apply to the claim if—

(1) the preliminary review report of the claim under section 403(c) of the Act includes the determination that the individual filing the claim is not a covered employee who has stated a claim for which relief may be granted, as described in section 403(d) of the Act; or

(2) the covered employee files a civil action as to the claim as provided in section 408 of the Act.

(c) *Appointment of the Merits Hearing Officer.*

(1) Upon the filing of a request for an administrative hearing under subparagraph (a) of this section, the Executive Director shall appoint an independent Merits Hearing Officer to consider the claim(s) and render a decision, who shall have the authority specified in sections 4.10 and 7.01 of these Rules below.

(2) The Preliminary Hearing Officer shall not serve as the Merits Hearing Officer in the same case.

(d) *Answer.*

(1) Within 10 days after the filing of a request for an administrative hearing under subparagraph (a), the respondent(s) shall file an answer with the Office and serve one copy on the claimant. Filing a motion to dismiss a claim does not stay the time period for filing the answer.

(2) In answering a claim form, the respondent(s) must state in short and plain terms its defenses to each claim asserted against it and admit or deny the allegations asserted against it.

(3) Failure to deny an allegation, other than one relating to the amount of damages, or to raise a defense as to any allegation(s) shall constitute an admission of such allegation(s). Affirmative defenses not raised in an answer that could have reasonably been anticipated based on the facts alleged in the claim form shall be deemed waived.

(4) A respondent's motion for leave to amend an answer to interpose a denial or affirmative defense will ordinarily be granted unless to do so would unduly prejudice the rights of the other party or unduly delay or otherwise interfere with or impede the proceedings.

§ 4.10 Summary Judgment and Withdrawal of Claims.

(a) If a claimant fails to proceed with a claim, the Merits Hearing Officer may dismiss the claim with prejudice.

(b) *Summary Judgment.* A Merits Hearing Officer may, after notice and an opportunity for the parties to address the question of summary judgment, issue summary judgment on the claim. A motion before the Merits Hearing Officer asserting that the covered employee has failed to state a claim upon which relief can be granted shall be construed as a motion for summary judgment on the ground that the moving party is entitled to judgment as to that claim as a matter of law.

(c) *Appeal.* A final decision by the Merits Hearing Officer made under section 4.10 or 7.16 of these Rules may be subject to appeal before the Board if the aggrieved party files a timely petition for review under section 8.01 of these Rules. A final decision under subparagraphs 4.10(a)–(d) of these Rules that does not resolve all of the issues in the case(s) before the Merits Hearing Officer may not be appealed to the Board in advance of a final decision entered under section 7.16 of these Rules, except as authorized pursuant to section 7.13.

(d) *Withdrawal of Claim.* At any time, a claimant may withdraw his or her own claim(s) by filing a notice with the Office for transmittal to the Preliminary or Merits Hearing Officer and by serving a copy on the respondent(s). Any such withdrawal must be approved by the relevant Hearing Officer and may be with or without prejudice to refile at that Hearing Officer's discretion.

(e) *Withdrawal from a Case by a Representative.* A representative must provide sufficient notice to the Hearing Officer and the parties of record of his or her withdrawal from a case. Until the party designates another representative in writing, the party will be regarded as appearing pro se.

§ 4.11 Confidentiality.

(a) Pursuant to section 416 of the Act, except as provided in subsections 416(c), (d) and (e), all proceedings and deliberations of Hearing Officers and the Board, including any related records, shall be confidential. A violation of the confidentiality requirements of the Act and these rules may result in the imposition of procedural or evidentiary sanctions. See also sections 1.08, 1.09 and 7.12 of these Rules.

(b) The fact that a request for an administrative hearing has been filed with the Office by a covered employee shall be kept confidential by the Office, except as allowed by these Rules.

§ 4.12 Automatic Referral to Congressional Ethics Committees.

Pursuant to section 416(d) of the Act, upon the final disposition of a claim alleging a violation described in section 415(d)(1)(C) committed personally by a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or a Senator, or by a senior staff of the House of Representatives or Senate, the Executive Director shall refer the claim to—

(a) the Committee on Ethics of the House of Representatives, in the case of a Member or senior staff of the House; or

(b) the Select Committee on Ethics of the Senate, in the case of a Senator or senior staff of the Senate.

SUBPART E—[AMENDED]

[Table of contents omitted]

Revise subpart E to read as follows:

Subpart E—General Counsel Complaints

[Table of contents omitted]

§ 5.01 Complaints.

(a) *Who May File.*

The General Counsel may timely file a complaint alleging a violation of sections 210, 215 or 220 of the Act.

(b) *When to File.*

A complaint may be filed by the General Counsel:

(1) after the investigation of a charge filed under section 210 or 220 of the Act, or

(2) after the issuance of a citation or notification under section 215 of the Act.

(c) *Form and Contents.*

A complaint filed by the General Counsel shall be in writing, signed by the General Counsel, or his designee, and shall contain the following information:

(1) the name, mail and e-mail addresses, if available, and telephone number of the employing office, as applicable:

(A) each entity responsible for correction of an alleged violation of section 210(b) of the Act;

(B) each employing office alleged to have violated section 215 of the Act; or

(C) each employing office and/or labor organization alleged to have violated section 220, against which the complaint is brought;

(2) notice of the charge filed alleging a violation of section 210 or 220 of the Act and/or issuance of a citation or notification under section 215;

(3) a description of the acts and conduct that are alleged to be violations of the Act, including all relevant dates and places, and the names and titles of the responsible individuals; and

(4) a statement of the relief or remedy sought.

(d) *Amendments.* Amendments to the complaint may be permitted by the Office or, after assignment, by a Hearing Officer, on the following conditions: that all parties to the proceeding have adequate notice to prepare to meet the new allegations; that the amendments, as appropriate, relate to the charge(s) investigated and/or the citation or notification issued by the General Counsel; and that permitting such amendments will not unduly prejudice the rights of the employing office, the labor organization, or other parties, unduly delay the completion of the hearing, or otherwise interfere with or impede the proceedings.

(e) *Service of Complaint.* Upon receipt of a complaint or an amended complaint, the Office shall serve the respondent, or its designated representative, by hand delivery or first-class mail, e-mail, or facsimile with a copy of the complaint or amended complaint and written notice of the availability of these Rules at www.ocwr.gov. A copy of these Rules may also be provided if requested by either party. The Office shall include a service list containing the names and addresses of the parties and their designated representatives.

(f) *Answer.*

(1) Within 10 days after receipt of a copy of a complaint or an amended complaint, the respondent shall file an answer with the Office and serve one copy on the General Counsel. Filing a motion to dismiss a claim does not stay the time period for filing the answer.

(2) In answering a complaint, a respondent must state in short and plain terms its defenses to each claim asserted against it and admit or deny the allegations asserted against it by an opposing party.

(3) Failure to deny an allegation, other than one relating to the amount of damages, or to raise a claim or defense as to any allegation(s) shall constitute an admission of such allegation(s). Affirmative defenses not

raised in an answer that could have reasonably been anticipated based on the facts alleged in the complaint shall be deemed waived.

(4) A respondent's motion for leave to amend an answer to interpose a denial or affirmative defense will ordinarily be granted unless to do so would unduly prejudice the rights of the other party or unduly delay or otherwise interfere with or impede the proceedings.

(g) *Motion to Dismiss.* In addition to an answer, a respondent may file a motion to dismiss, or other responsive pleading with the Office and serve one copy on the complainant. Responses to any motions shall comply with subparagraph 1.04(c) of these Rules. A motion asserting that the General Counsel has failed to state a claim upon which relief can be granted may, in the Merits Hearing Officer's discretion, be construed as a motion for summary judgment pursuant to subparagraph 5.03(d) of these Rules on the ground that the moving party is entitled to judgment as a matter of law.

§ 5.02 Appointment of the Merits Hearing Officer.

Upon the filing of a complaint, the Executive Director will appoint an independent Merits Hearing Officer, who shall have the authority specified in subparagraphs 5.03 and 7.01(b) of the Rules below.

§ 5.03 Dismissal, Summary Judgment and Withdrawal of Complaints.

(a) A Merits Hearing Officer may, after notice and an opportunity to respond, dismiss any claim that the Merits Hearing Officer finds to be frivolous or that fails to state a claim upon which relief may be granted.

(b) A Merits Hearing Officer may, after notice and an opportunity to respond, dismiss a complaint because it fails to comply with the applicable time limits or other requirements under the Act or these Rules.

(c) If the General Counsel fails to proceed with an action, the Merits Hearing Officer may dismiss the complaint with prejudice.

(d) *Summary Judgment.* A Merits Hearing Officer may, after notice and an opportunity for the parties to address the question of summary judgment, issue summary judgment on some or all of the complaint.

(e) *Appeal.* A final decision by the Merits Hearing Officer made under sections 5.03(a)–(d) or 7.16 of these Rules may be subject to appeal before the Board if the aggrieved party files a timely petition for review under section 8.01. A final decision under old subparagraph 5.03(a)–(d) that does not resolve all of the claims or issues in the case(s) before the Merits Hearing Officer may not be appealed to the Board in advance of a final decision entered under section 7.16 of these Rules, except as authorized pursuant to section 7.13.

(f) *Withdrawal of Complaint by the General Counsel.* At any time prior to the opening of the hearing, the General Counsel may withdraw his complaint by filing a notice with the Office for transmittal to the Merits Hearing Officer and by serving a copy on the respondent. After opening of the hearing, any such withdrawal must be approved by the Merits Hearing Officer and may be with or without prejudice to refile at the Merits Hearing Officer's discretion.

(g) *Withdrawal from a Case by a Representative.* A representative must provide sufficient notice to the Merits Hearing Officer and the parties of record of his or her withdrawal from a case. Until the party designates another representative in writing, the party will be regarded as appearing pro se.

§ 5.04 Confidentiality.

Pursuant to section 416(b) of the Act, except as provided in subsections 416(c) and (f), all proceedings and deliberations of Merits Hearing Officers and the Board, including any related records, shall be confidential. Section 416(b) does not apply to proceedings under section 215 of the Act, but does apply to the deliberations of Merits Hearing Officers and the Board under section 215. A violation of the confidentiality requirements of the Act and these rules may result in the imposition of procedural or evidentiary sanctions. *See also* sections 1.08 and 7.12 of these Rules.

SUBPART F—[AMENDED]

[Table of Contents Omitted]

Revise subpart F to read as follows:

§ 6.01 Discovery.

(a) *Description.* Discovery is the process by which a party may obtain from another person, including a party, information that is not privileged and that is reasonably calculated to lead to the discovery of admissible evidence, to assist that party in developing, preparing and presenting its case at the hearing. No discovery, whether oral or written, by any party shall be taken of or from an employee of the Office of Congressional Workplace Rights (including but not limited to a Board member, the Executive Director, the General Counsel, a Confidential Advisor, a mediator, a hearing officer, or unpaid staff), including files, records, or notes produced during the confidential advising, mediation, and hearing phases of a case and maintained by the Office, the Confidential Advisor, the mediator, or the hearing officer.

(b) *Initial Disclosure.* Within 14 days after the prehearing conference in cases commenced by the filing of a claim pursuant to section 402(a) of the Act, and except as otherwise stipulated or ordered by the Merits Hearing Officer (the hearing officer appointed by the Executive Director to conduct the administrative hearing), a party must, without awaiting a discovery request, provide to the other parties: the name and, if known, mail and e-mail addresses, and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its causes of action or defenses; and a copy or a description by category and location of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses.

(c) *Discovery Availability.* Pursuant to section 405(e) of the Act, reasonable prehearing discovery may be permitted at the Merits Hearing Officer's discretion.

(1) The parties may take discovery by one or more of the following methods: depositions upon oral examination or written questions; written interrogatories; production of documents or things or permission to enter upon land or other property for inspection or other purposes; physical and mental examinations; and requests for admissions. Nothing in section 415(d) of the Act—dealing with reimbursements by Members of Congress of amounts paid as settlements and awards—may be construed to require the claimant to be deposed by counsel for the intervening member in a deposition that is separate from any other deposition taken from the claimant in connection with the hearing or civil action.

(2) The Merits Hearing Officer may adopt standing orders or make any order setting forth the forms and extent of discovery, including orders limiting the number of depositions, interrogatories, and requests for production of documents, and also may limit the length of depositions.

(3) The Merits Hearing Officer may issue any other order to prevent discovery or disclosure of confidential or privileged materials or information, as well as hearing or trial preparation materials and any other information deemed not discoverable, or to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.

(d) *Claims of Privilege.*

(1) *Information Withheld.* Whenever a party withholds information otherwise discoverable under these Rules by claiming that it is privileged or confidential or subject to protection as hearing or trial preparation materials, the party shall make the claim of privilege expressly in writing and shall describe the nature of the documents, communications or things not produced or disclosed in a manner that, without revealing whether the information itself is privileged or protected, will enable other parties to assess the applicability of the privilege or protection. A party must make a claim for privilege no later than the due date to produce the information.

(2) *Information Produced as Inadvertent Disclosure; Sealing All or Part of the Record.* If information produced in discovery is subject to a claim of privilege or of protection as hearing preparation material, the party making the claim of privilege may notify any party that received the information of the claim of privilege and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim of privilege is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the Merits Hearing Officer or the Board under seal for a determination of the claim of privilege. The producing party must preserve the information until the claim of privilege is resolved.

§ 6.02 Request for Subpoena.

(a) *Authority to Issue Subpoenas.* At the request of a party, the Merits Hearing Officer may issue subpoenas for the attendance and testimony of witnesses and for the production of correspondence, books, papers, documents, or other records. The attendance of witnesses and the production of records may be required from any place within the United States. However, no subpoena shall be issued for the attendance or testimony of an employee or agent of the Office of Congressional Workplace Rights (including but not limited to a Board member, the Executive Director, the General Counsel, a Confidential Advisor, a mediator, a hearing officer, or unpaid staff), or for the production of files, records, or notes produced during the confidential advising process, in mediation, or at the hearing. Employing offices shall make their employees available for discovery and hearing without requiring a subpoena.

* * * * *

(b) *Request.* A request to issue a subpoena requiring the attendance and testimony of witnesses or the production of documents or other evidence under paragraph (a) above shall be submitted to the Merits Hearing Officer at least 15 days before the scheduled hearing date. If the subpoena is sought as part of the discovery process, the request shall be submitted to the Merits Hearing Officer at least 10 days before the date that a witness must attend a deposition or the date for the production of documents. The Merits Hearing Officer may waive the time limits stated above for good cause.

(c) *Forms and Showing.* Requests for subpoenas shall be submitted in writing to the Merits Hearing Officer and shall specify with particularity the witness, correspondence, books, papers, documents, or other records desired and shall be supported by a showing of general relevance and reasonable scope.

(d) *Rulings.* The Merits Hearing Officer shall promptly rule on subpoena requests.

§ 6.03 Service.

Subpoenas shall be served in the manner provided under Rule 45(b) of the Federal Rules of Civil Procedure. Service of a subpoena may be made by any person who is over 18 years of age and is not a party to the proceeding.

§ 6.04 Proof of Service.

When service of a subpoena is effected, the person serving the subpoena shall certify the date and the manner of service. The party on whose behalf the subpoena was issued shall file the server's certification with the Merits Hearing Officer.

§ 6.05 Motion to Quash or Limit.

Any person against whom a subpoena is directed may file a motion to quash or limit the subpoena setting forth the reasons why the subpoena should not be complied with or why it should be limited in scope. This motion shall be filed with the Merits Hearing Officer before the time specified in the subpoena for compliance and not later than 10 days after service of the subpoena. The Merits Hearing Officer should promptly rule on a motion to quash or limit and ensure that the person receiving the subpoena is made aware of the ruling.

§ 6.06 Enforcement.

(a) *Objections and Requests for Enforcement.* If a person has been served with a subpoena pursuant to section 6.03 of the Rules, but fails or refuses to comply with its terms or otherwise objects to it, the party or person objecting or the party seeking compliance may seek a ruling from the Merits Hearing Officer. The request for a ruling shall be submitted in writing to the Merits Hearing Officer. However, it may be made orally on the record at the hearing at the discretion of the Merits Hearing Officer. The party seeking compliance shall present the proof of service and, except when the witness was required to appear before the Merits Hearing Officer, shall submit evidence, by affidavit or declaration, of the failure or refusal to obey the subpoena.

(b) *Ruling by the Merits Hearing Officer.*

(1) The Merits Hearing Officer shall promptly rule on the request for enforcement and/or the objection(s).

(2) On request of the objecting witness or any party, the Merits Hearing Officer shall—or on the Hearing Officer's own initiative, the Hearing Officer may—refer the ruling to the Board for review.

(c) *Review by the Board.* The Board may overrule, modify, remand, or affirm the Merits Hearing Officer's ruling and, in its discretion, may direct the General Counsel to apply in the name of the Office for an order from a United States district court to enforce the subpoena.

(d) *Application to an Appropriate Court; Civil Contempt.* If a person fails to comply with a subpoena, the Board may direct the General Counsel to apply, in the name of the Office, to an appropriate United States district court for an order requiring that person to appear before the Merits Hearing Officer to give testimony or produce records. Any failure to obey a lawful order of the district court may be held by such court to be a civil contempt thereof.

§ 6.07 Requirements for Sworn Statements.

Any time that the Office and/or a Hearing Officer requires an affidavit or sworn statement from a party or a witness, he or she should refer the party or witness to a sample declaration under 28 U.S.C. § 1746, which substantially requires:

(a) If executed within the United States, its territories, possessions, or commonwealths: ''I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).''

(b) If executed outside the United States: ''I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).''

SUBPART G—[AMENDED]

[Table of Contents Omitted]

Revise subpart G to read as follows:

§ 7.01 The Merits Hearing Officer.

This subpart concerns the duties and responsibilities of Merits Hearing Officers, who are appointed by the Executive Director to preside over the administrative hearings under the Act. The duties and responsibilities of Preliminary Hearing Officers are contained in section 5.08 of these Rules.

(a) *Exercise of Authority.* The Merits Hearing Officer may exercise authority as provided in subparagraph (b) of this section upon his or her own initiative or upon a party's motion, as appropriate.

(b) *Authority.* Merits Hearing Officers shall conduct fair and impartial hearings and take all necessary action to avoid undue delay in disposing of all proceedings. They shall have all powers necessary to that end unless otherwise limited by law, including, but not limited to, the authority to:

(1) administer oaths and affirmations;

(2) rule on motions to disqualify designated representatives;

(3) issue subpoenas in accordance with section 6.02 of these Rules;

(4) rule upon offers of proof and receive relevant evidence;

(5) rule upon discovery issues as appropriate under sections 6.01 to 6.06 of these Rules;

(6) hold prehearing conferences for simplifying issues and settlement;

(7) convene a hearing, as appropriate, regulate the course of the hearing, and maintain decorum at and exclude from the hearing any person who disrupts, or threatens to disrupt, that decorum;

(8) exclude from the hearing any person, except any claimant, any party, the attorney or representative of any claimant or party, or any witness while testifying;

(9) rule on all motions, witness and exhibit lists, and proposed findings, including motions for summary judgment;

(10) require the filing of briefs, memoranda of law, and the presentation of oral argument as to any question of fact or law;

(11) order the production of evidence and the appearance of witnesses;

(12) impose sanctions as provided under section 7.02 of these Rules;

(13) file decisions on the issues presented at the hearing;

(14) dismiss any claim that is found to be frivolous or that fails to state a claim upon which relief may be granted;

(15) maintain and enforce the confidentiality of proceedings; and

(16) waive or modify any procedural requirements of subparts F and G of these Rules so long as permitted by the Act.

§ 7.02 Sanctions.

(a) When necessary to regulate the course of the proceedings (including the hearing), the Merits Hearing Officer may impose an appropriate sanction, which may include, but is not limited to, the sanctions specified in this section, on the parties and/or their representatives.

(b) The Merits Hearing Officer may impose sanctions upon the parties and/or their representatives based on, but not limited to, the circumstances set forth in this section.

(1) *Failure to Comply with an Order.* When a party fails to comply with an order (including an order to submit to a deposition, to produce evidence within the party's control, or to produce witnesses), the Merits Hearing Officer may:

(A) draw an inference in favor of the requesting party on the issue related to the information sought;

(B) stay further proceedings until the order is obeyed;

(C) prohibit the party failing to comply with such order from introducing evidence concerning, or otherwise relying upon, evidence relating to the information sought;

(D) permit the requesting party to introduce secondary evidence concerning the information sought;

(E) strike, in whole or in part, the claim, briefs, answer, or other submissions of the party failing to comply with the order, as appropriate; or

(F) direct judgment against the non-complying party in whole or in part.

(2) *Failure to Prosecute or Defend.* If a party fails to prosecute or defend a position, the Merits Hearing Officer may dismiss the action with prejudice or decide the matter, when appropriate.

(3) *Failure to Make Timely Filing.* The Merits Hearing Officer may refuse to consider any request, motion or other action that is not filed in a timely fashion in compliance with this subpart.

(4) *Frivolous Claims, Defenses, and Arguments.* If a party or a representative files a claim that fails to meet the requirements of section 401(f) of the Act, the Merits Hearing Officer may dismiss the claim, in whole or in part, with prejudice or decide the matter for the opposing party. If a party or a representative presents a pleading, written motion, or other paper containing claims, defenses, and other legal contentions for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of resolution of the matter, the Merits Hearing Officer may reject the claims, defenses or legal contentions, in whole or in part. A claim, defense, or legal contention shall not be subject to sanctions if it constitutes a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law.

(5) *Failure to Maintain Confidentiality.* An allegation regarding a violation of the confidentiality provisions may be made to a Merits Hearing Officer in proceedings under section 405 of the Act. If, after notice and hearing, the Merits Hearing Officer determines that a party has violated the confidentiality provisions, the Merits Hearing Officer may:

(A) direct that the matters related to the breach of confidentiality or other designated facts be taken as established for purposes of the action, as the prevailing party contends;

(B) prohibit the party breaching confidentiality from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence;

(C) strike the pleadings in whole or in part;

(D) stay further proceedings until the breach of confidentiality is resolved to the extent possible;

(E) dismiss the action or proceeding in whole or in part; or

(F) render a default judgment against the party breaching confidentiality.

(c) No sanctions may be imposed under this section except for good cause and the particulars of which must be stated in the sanction order.

§ 7.03 Disqualifying a Merits Hearing Officer.

(a) In the event that a Merits Hearing Officer considers himself or herself disqualified, either because of personal bias or of an interest in the case or for some other disqualifying reason, he or she shall withdraw from

the case, stating in writing or on the record the reasons for his or her withdrawal, and shall immediately notify the Office of the withdrawal.

(b) Any party may file a motion requesting that a Merits Hearing Officer withdraw on the basis of personal bias or of an interest in the case or for some other disqualifying reason. This motion shall specifically set forth the reasons supporting the request and be filed as soon as the party has reason to believe that there is a basis for disqualification.

(c) The Merits Hearing Officer shall promptly rule on the withdrawal motion. If the motion is granted, the Executive Director will appoint another Merits Hearing Officer within 5 days. Any objection to the Merits Hearing Officer's ruling on the withdrawal motion shall not be deemed waived by a party's further participation in the hearing and may be the basis for an appeal to the Board from the Merits Hearing Officer's decision under section 8.01 of these Rules. Such objection will not stay the conduct of the hearing.

§ 7.04 Motions and Prehearing Conference.

(a) *Motions.* Motions shall be filed with the Merits Hearing Officer and shall be in writing except for oral motions made on the record during the hearing. All written motions and any responses to them shall include a proposed order, when applicable. Only with the Merits Hearing Officer's advance approval may either party file additional responses to the motion or to the response to the motion. Motions for extension of time will be granted only for good cause shown.

(b) *Scheduling the Prehearing Conference.* Within 7 days after a Merits Hearing Officer is assigned to adjudicate the claim(s), the Merits Hearing Officer shall serve on the parties and their designated representatives written notice setting forth the time, date, and place of the prehearing conference, except that the Executive Director may, for good cause, extend up to an additional 7 days the time for serving notice of the prehearing conference.

(c) *Prehearing Conference Memoranda.* The Merits Hearing Officer may order each party to prepare a prehearing conference memorandum. The Merits Hearing Officer may direct that a memorandum be filed after discovery has concluded. The memorandum may include:

(1) the major factual contentions and legal issues that the party intends to raise at the hearing in short, successive, and numbered paragraphs, along with any proposed stipulations of fact or law;

(2) an estimate of the time necessary for presenting the party's case;

(3) the specific relief, including, when known, a calculation of any monetary relief or damages that is being or will be requested;

(4) the names of potential witnesses for the party's case, except for potential impeachment or rebuttal witnesses, and the purpose for which they will be called and a list of documents that the party is seeking from the opposing party, and, if discovery was permitted, the status of any pending request for discovery. (It is not necessary to list each document requested. Instead, the party may refer to the request for discovery.); and

(5) a brief description of any other unresolved issues.

(d) At the prehearing conference, the Merits Hearing Officer may discuss the subjects specified in paragraph (c) above and the manner in which the hearing will be conducted. In addition, the Merits Hearing Officer may explore settlement possibilities and consider how the factual and legal issues might be simplified and any other issues that might expedite resolving the dispute. The Merits Hearing Officer shall issue an order, which recites the actions taken at the conference and the parties' agreements as to any matters considered, and which limits the issues to those not disposed of by the parties' admissions, stipulations, or agreements. Such order, when entered, shall control the course of the proceeding, subject to later modification by the Merits Hearing Officer by his or her own motion or upon proper request of a party for good cause shown.

§ 7.05 Scheduling the Hearing.

(a) *Date, Time, and Place of Hearing.* The Office shall issue the notice of hearing, which shall fix the date, time, and place of hearing. Absent a postponement granted by the Office, a hearing must commence no later than 60 days after the filing of the claim(s).

(b) *Motions for Postponement or a Continuance.* Motions for postponement or for a continuance by either party shall be made in writing to the Merits Hearing Officer, shall set forth the reasons for the request, and shall state whether or not the opposing party consents to such postponement. A Merits Hearing Officer may grant such a motion upon a showing of good cause. In no event will a hearing commence later than 90 days after the filing of the claim form.

§ 7.06 Consolidation and Joinder of Cases.

(a) *Explanation.*

(1) Consolidation is when two or more parties have cases that might be treated as one because they contain identical or similar issues or in such other appropriate circumstances.

(2) Joinder is when one party has two or more cases pending and they are united for consideration. For example, joinder might be warranted when a single party has one case pending challenging a 30–day suspension and another case pending challenging a subsequent dismissal.

(b) *Authority.* The Executive Director (before assigning a Merits Hearing Officer to adjudicate a claim); a Merits Hearing Officer (during the hearing); or the Board (during an appeal) may consolidate or join cases on their own initiative or on the motion of a party if to do so would expedite case processing and not adversely affect the parties' interests, taking into account the confidentiality requirements of section 416 of the Act.

§ 7.07 Conduct of Hearing; Disqualifying a Representative.

(a) Pursuant to section 405(d)(1) of the Act, the Merits Hearing Officer shall conduct the hearing in closed session on the record. Only the Merits Hearing Officer, the parties and their representatives, and witnesses during the time they are testifying, shall be permitted to attend the hearing, except that the Office may not be precluded from observing the hearing. The Merits Hearing Officer, or a person designated by the Merits Hearing Officer or the Executive Director, shall record the proceedings.

(b) The hearing shall be conducted as an administrative proceeding. Witnesses shall testify under oath or affirmation. Except as specified in the Act and in these Rules, the Merits Hearing Officer shall conduct the hearing, to the greatest extent practicable, consistent with the principles and procedures in sections 554 through 557 of title 5 of the United States Code (the Administrative Procedure Act).

(c) No later than the opening of the hearing, or as otherwise ordered by the Merits Hearing Officer, each party shall submit to the Merits Hearing Officer and to the opposing party typed lists of the hearing exhibits and the witnesses expected to be called to testify, excluding impeachment or rebuttal witnesses.

(d) At the commencement of the hearing, or as otherwise ordered by the Merits Hearing Officer, the Merits Hearing Officer may consider any stipulations of facts and law pursuant to section 7.10 of the Rules, take official notice of certain facts pursuant to section 7.11 of the Rules, rule on the parties' objections and hear witness testimony. Each party must present his or her case in a concise manner, limiting the testimony of witnesses and submission of documents to relevant matters.

(e) Any evidentiary objection not timely made before a Merits Hearing Officer shall, absent clear error, be deemed waived on appeal to the Board.

(f) Failure of either party to appear at the hearing, to present witnesses, or to respond to an evidentiary order may result in an adverse finding or ruling by the Merits Hearing Officer. At the Merits Hearing Officer's discretion, the hearing also may be held without the claimant if the claimant's representative is present.

(g) If the Merits Hearing Officer concludes that an employee's representative, a witness, a charging party, a labor organization, an employing office, or an entity alleged to be responsible for correcting a violation has a conflict of interest, the Merits Hearing Officer may, after giving the representative an opportunity to respond, disqualify the representative. In that event, within the time limits for hearing and decision established by the Act, the affected party shall be afforded reasonable time to retain other representation.

§ 7.08 Transcript.

(a) *Preparation.* The Office shall keep an accurate electronic or stenographic hearing record, which shall be the sole official record of the proceeding. The Office shall be responsible for the cost of transcribing the hearing. Upon request, a copy of the hearing transcript shall be furnished to each party, provided, however, that such party has first agreed to maintain and respect the confidentiality of such transcript in accordance with the applicable rules prescribed by the Office or the Merits Hearing Officer to effectuate section 416(b) of the Act. Additional copies of transcripts shall be made available to a party at the party's expense. The Office may grant exceptions to the payment requirement for good cause shown. A motion for an exception shall be made in writing, accompanied by an affidavit or a declaration setting forth the reasons for the request, and submitted to the Office. Requests for copies of transcripts also shall be directed to the Office. The Office may, by agreement with the person making the request, arrange with the official hearing reporter for required services to be charged to the requester.

(b) *Corrections.* Corrections to the official transcript of the hearing will be permitted. Motions for correction must be submitted within 10 days of service of the transcript upon the parties. Corrections to the official transcript will be permitted only upon the approval of the Merits Hearing Officer. The Merits Hearing Officer may make corrections at any time with notice to the parties.

§ 7.09 Admissibility of Evidence.

The Merits Hearing Officer shall apply the Federal Rules of Evidence to the greatest extent practicable. These Rules provide, among other things, that the Merits Hearing Officer may exclude evidence if, among other things, it constitutes inadmissible hearsay or its probative value is substantially outweighed by the danger of unfair prejudice, by confusion of the issues, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

§ 7.10 Stipulations.

The parties may stipulate as to any matter of fact. Such a stipulation will satisfy a party's burden of proving the fact alleged.

§ 7.11 Official Notice.

(a) The Merits Hearing Officer on his or her own motion or on motion of a party, may take official notice of a fact that is not subject to reasonable dispute because it is either:

(1) a matter of common knowledge; or

(2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. Official notice taken of any fact satisfies a party's burden of proving the fact noticed.

(b) When a decision, or part thereof, rests on the official notice of a material fact not appearing in the evidence in the record, the fact of official notice shall be so stated in the decision, and any party, upon timely request, shall be afforded an opportunity to show the contrary.

§ 7.12 Confidentiality.

(a) Pursuant to section 416 of the Act and section 1.08 of these Rules, all proceedings and deliberations of Merits Hearing Officers and the Board, including the hearing transcripts and any related records, shall be confidential, except as specified in sections 416(c), (d), (e), and (f) of the Act and subparagraph 1.08(d) of these Rules. All parties to the proceeding and their representatives, and witnesses who appear at the hearing, will be advised of the importance of confidentiality in this process and of their obligations, subject to sanctions, to maintain it. This provision shall not apply to proceedings under section 215 of the Act, but shall apply to the Merits Hearing Officers' and the Board's deliberations under that section.

(b) *Violation of Confidentiality*. A Merits Hearing Officer, under section 405 of the Act, may resolve an alleged violation of confidentiality that occurred during a hearing. After providing notice and an opportunity to the parties to be heard, the Merits Hearing Officer, under subparagraph 1.08(f) of these Rules, may find a violation of confidentiality and impose appropriate procedural or evidentiary sanctions, to include the sanctions listed in section 7.02 of these Rules.

§ 7.13 Immediate Board Review of a Hearing Officer's Ruling.

(a) *Review Strongly Disfavored*. Board review of a Merits Hearing Officer's ruling is strongly disfavored while a proceeding is ongoing (an ''interlocutory appeal''). In general, the Board may consider a request for interlocutory appeal only if the Merits Hearing Officer, on his or her own motion or by motion of the parties, determines that the issue presented is of such importance to the proceeding that it requires the Board's immediate attention.

(b) *Time for Filing*. A party must file a motion for interlocutory appeal of a Merits Hearing Officer's ruling with the Merits Hearing Officer within 5 days after service of the ruling upon the parties. The motion shall include arguments in support of both interlocutory appeal and the requested determination to be made by the Board upon review. Responses, if any, shall be filed with the Hearing Officer within 3 days after service of the motion.

(c) *Standards for Review*. In determining whether to certify and forward a request for interlocutory appeal to the Board, the Merits Hearing Officer shall consider the following:

(1) whether the ruling involves a significant question of law or policy about which there is substantial ground for difference of opinion;

(2) whether an immediate Board review of the Merits Hearing Officer's ruling will materially advance completing the proceeding; and

(3) whether denial of immediate review will cause undue harm to a party or the public.

(d) *Merits Hearing Officer Action*. If all the conditions set forth in paragraph (c) above are met, the Merits Hearing Officer shall certify and forward a request for interlocutory appeal to the Board for its immediate consideration. Any such submission shall explain the basis on which the Merits Hearing Officer concluded that the standards in paragraph (c) have been met. The Merits Hearing Officer's decision to forward or decline to forward a request for review is not appealable.

(e) *Granting or Denying an Interlocutory Appeal is Within the Board's Sole Discretion*. The Board, in its sole discretion, may grant or deny an interlocutory appeal, upon the Merits Hearing Officer's certification and decision to forward a request for review. The Board's decision to grant or deny an interlocutory appeal is not appealable.

(f) *Stay Pending Interlocutory Appeal*. Unless otherwise directed by the Board, the stay of any proceedings during the pendency of either a request for interlocutory appeal or the appeal itself shall be within the Merits Hearing Officer's discretion, provided that no stay shall serve to toll the time limits set forth in section 405(d) of the Act. If the Merits Hearing Officer does not stay the proceedings, the Board may do so while an interlocutory appeal is pending with it.

(g) *Procedures before the Board*. Upon its decision to grant interlocutory appeal, the Board shall issue an order setting forth the procedures that will be followed in the conduct of that review.

(h) *Appeal of a Final Decision*. Denial of interlocutory appeal will not affect a party's right to challenge rulings, which are otherwise appealable, as part of an appeal to the Board under section 8.01 of the Rules from the Merits Hearing Officer's decision issued under section 7.16 of these Rules.

§ 7.14 Proposed Findings of Fact and Conclusions of Law; Posthearing Briefs.

May be Required. The Merits Hearing Officer may require the parties to file proposed findings of fact and conclusions of law and/or posthearing briefs on the factual and the legal issues presented in the case.

§ 7.15 Closing the Record.

(a) Except as provided in section 7.14 of the Rules, the record shall close when the hearing ends. However, the Hearing Officer may hold the record open as necessary to allow the parties to submit arguments, briefs, documents or additional evidence previously identified for introduction.

(b) Once the record is closed, no additional evidence or argument shall be accepted into the hearing record except upon a showing that new and material evidence has become available that was not available despite due diligence before the record closed or that the additional evidence or argument is being provided in rebuttal to new evidence or argument that the other party submitted just before the record closed. The Merits Hearing Officer also shall make part of the record an approved correction to the transcript.

§ 7.16 Merits Hearing Officer Decisions; Entry in Office Records; Corrections to the Record; Motions to Alter, Amend, or Vacate the Decision.

(a) The Merits Hearing Officer shall issue a written decision no later than 90 days after the hearing ends, pursuant to section 405(g) of the Act.

(b) The Merits Hearing Officer's written decision shall:

(1) state the issues raised in the claim(s), form, or complaint;

(2) describe the evidence in the record;

(3) contain findings of fact and conclusions of law, and the reasons or bases therefore, on all the material issues of fact, law, or discretion presented on the record;

(4) determine whether a violation has occurred; and

(5) order such remedies as are appropriate under the Act.

(c) If a final decision concerns a claim alleging a violation or violations described in section 415(d)(1)(C) of the Act, the written decision shall include the following findings:

(1) whether the alleged violation or violations occurred;

(2) whether any violation or violations found to have occurred were committed personally by an individual who, at the time of committing the violation, was a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or a Senator;

(3) the amount of compensatory damages, if any, awarded pursuant to section 415(d)(1)(B) of the Act; and

(4) the amount, if any, of compensatory damages that is the ''reimbursable portion'' as defined by section 415(d) of the Act.

(d) Upon issuance, the Merits Hearing Officer's decision and order shall be entered into the Office's records.

(e) The Office shall promptly provide a copy of the Merits Hearing Officer's decision and order to the parties.

(f) If there is no appeal of a Merits Hearing Officer's decision and order, that decision becomes a final decision of the Office, which is subject to enforcement under section 8.03 of these Rules.

(g) *Corrections to the Record*. After a Merits Hearing Officer's decision has been issued, but before an appeal is made to the Board, or absent an appeal, before the decision becomes final, the Merits Hearing Officer may issue an erratum notice to correct simple errors or easily correctible mistakes. The Merits Hearing Officer may do so on the parties' motion or on his or her own motion with or without advance notice.

(h) After a Merits Hearing Officer's decision has been issued, but before an appeal is made to the Board, or absent an appeal, before the decision becomes final, a party to the proceeding before the Merits Hearing Officer may move to alter, amend, or vacate the decision. The moving party must establish that relief from the decision is warranted because: (1) of mistake, inadvertence, surprise, or excusable neglect; (2) there is newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new hearing; (3) there has been fraud (misrepresentation, or misconduct by an opposing party); (4) the decision is void; or (5) the decision has been satisfied, released, or discharged; it is based on an earlier decision that has been reversed or vacated; or applying it prospectively is no longer equitable. The motion shall be filed within 15 days after service of the Merits Hearing Officer's decision. No response shall be filed unless the Merits Hearing Officer so orders. The filing and pendency of a motion under this provision shall not relieve a party of the obligation to file a timely appeal or operate to stay the Merits Hearing Officer's action unless the Merits Hearing Officer so orders.

Subpart H—[AMENDED]

[Table of Contents Omitted]

Amend section 8.01 by:

(a) Revising the second sentence of paragraph (a);

(b) Adding a new paragraph (b) and redesignating paragraphs (b) through (j) as paragraphs (c) through (k), respectively;

(c) Revising redesignated paragraph (c)(2); and

(d) Revising redesignated paragraphs (i) through (k).

The revisions read as follows:

§ 8.01 Appeal to the Board.

(a) * * * The appeal must be served on all opposing parties or their representatives.

(b) A Report on Preliminary Review pursuant to section 402(c) of the Act is not appealable to the Board.

(c)

* * * * *

(2) Unless otherwise ordered by the Board, within 21 days following the service of the appellant's brief, any opposing party may file and serve a responsive brief. Unless otherwise ordered by the Board, within 10 days following the service of the responsive brief(s), the appellant may file and serve a reply brief.

* * * * *

(i) *Record.* The docket sheet, claim form or complaint and any amendments, preliminary review report, request for hearing, notice of hearing, answer and any amendments, motions, rulings, orders, stipulations, exhibits, documentary evidence, any portions of depositions admitted into evidence, docketed Memoranda for the Record, or correspondence between the Office and the parties, and the transcript of the hearing (together with any electronic recording of the hearing if the original reporting was performed electronically) together with the Merits Hearing Officer's decision and the petition for review, any response thereto, any reply to the response and any other pleadings shall constitute the record in the case.

(j) The Board may invite amicus participation, in appropriate circumstances, in a manner consistent with the requirements of section 416 of the Act.

(k) An appellant may move to withdraw a petition for review at any time before the Board renders a decision. The motion must be in writing and submitted to the Board. The Board, at its discretion, may grant or deny such a motion and take whatever action is required.

* * * * *

SUBPART I—[AMENDED]

[Table of Contents Omitted]

1. Amend section 9.01 by:

(a) Revising paragraph (a); and

(b) Adding a new paragraph (c).

The revisions read as follows:

§ 9.01 Attorney's Fees and Costs.

(a) *Request.* No later than 30 days after the entry of a final decision of the Office, the prevailing party may submit to the Merits Hearing Officer who decided the case a motion for the award of reasonable attorney's fees and costs, following the form specified in paragraph (b) below. The Merits Hearing Officer, after giving the respondent an opportunity to reply, shall rule on the motion. Decisions regarding attorney's fees and costs are collateral and do not affect the finality or appealability of a final decision issued by the Office.

* * * * *

(c) *Arbitration Awards.* In arbitration proceedings, the prevailing party must submit any request for attorney's fees and costs to the arbitrator in accordance with the established arbitration procedures.

2. Amend section 9.02 by revising paragraph (b) as follows:

§ 9.02 Ex Parte Communications.

* * * * *

(b) *Exception to Coverage.* The Rules set forth in this section do not apply during periods that the Board designates as periods of negotiated rulemaking in accordance with the procedures set forth in the Administrative Procedure Act, 5 U.S.C. § 500 *et seq.*

* * * * *

3. Revise section 9.03 as follows:

§ 9.03 Informal Resolutions and Settlement Agreements.

(a) *Informal Resolution.* At any time before a covered employee files a claim form under section 402 of the Act, a covered employee and the employing office, on their own, may agree voluntarily and informally to resolve a dispute. Any informal resolution shall be ineffective to the extent that it purports to:

(1) constitute a waiver of a covered employee's rights under the Act; or

(2) create an obligation that is payable from the account established by section 415(a) of the Act (''Section 415(a) Treasury Account'') or enforceable by the Office.

(b) * * * * *

(c) *General Requirements for Formal Settlement Agreements.* A formal settlement agreement must contain the signatures of all parties or their designated representatives on the agreement document. A formal settlement agreement cannot be approved by the Executive Director until the appropriate revocation periods have expired and the employing office has fully completed and submitted the Office's Section 415(a) Account Requisition Form. A formal settlement agreement cannot be rescinded after the signatures of all parties have been affixed to the agreement, unless by written revocation of the agreement voluntarily signed by all parties, or as otherwise permitted by law. All formal settlement agreements must also:

(1) specify the amount of each payment to be made from the Section 415(a) Treasury Account;

(2) identify the portion of any payment that is subject to the reimbursement provisions of section 415(e) of the Act because it is being used to settle an alleged violation of section 201(a) or 206(a) of the Act;

(3) identify each payment that is back pay and indicate the net amount that will be paid to the employee after tax withholding and authorized deductions; and

(4) certify that, except for funds to correct alleged violations of sections 201(a)(3), 210, or 215 of the Act, only funds from the Section 415(a) Treasury Account will be used for the payment of any amount specified in the settlement agreement.

(d) *Requirements for Formal Settlement Agreements Involving Claims against Members of Congress.* If a formal settlement agreement concerns allegations against a Member of Congress subject to the payment reimbursement provisions of section 415(d) of the Act, the settlement agreement must comply with subparagraphs 9.03(c)(1), (3) and (4) of these Rules, and:

(1) specify the amount, if any, that is the ''reimbursable portion'' as defined by section 415(d) of the Act; and

(2) contain the signature of any individual (or the representative of any individual) who has exercised his or her right to intervene pursuant to section 414(d)(8) of the Act.

(e) * * * * *

3. Revise section 9.04 as follows:

§ 9.04 Payments Required Pursuant to Decisions, Awards, or Settlements under Section 415(a) of the Act.

(a) *In General.* Whenever an award or settlement requires the payment of funds pursuant to section 415(a) of the Act, the award or settlement must be submitted to the Executive Director together with a fully completed Section 415(a) Account Requisition Form for processing by the Office.

(b) *Requesting Payments.*

(1) Only an employing office under section 101 of the Act may submit a payment request from the Section 415(a) Treasury Account.

(2) Employing offices must submit requests for payments from the Section 415(a) Treasury Account on the Office's Section 415(a) Account Requisition Forms.

(c) *Duty to Cooperate.* Each employment office has a duty to cooperate with the Executive Director or his or her designee by promptly responding to any requests for information and to otherwise assist the Executive Director in providing prompt payments from the Section 415(a) Treasury Account. Failure to cooperate may be grounds for disapproval of the settlement agreement.

(d) *Back Pay.* When the award or settlement specifies a payment as back pay, the gross amount of the back pay will be paid to the employing office and the employing office will then promptly issue amounts representing back pay (and interest if authorized) to the employee and retain amounts representing withholding and deductions.

(e) *Attorney's fees.* When the award or settlement specifies a payment as attorney's fees, the attorney's fees are paid directly to the attorney from the Section 415(a) Treasury Account.

(f) *Tax Reporting and Withholding Obligations.* The Office does not report Section 415(a) Treasury Account payments as potential taxable income to the Internal Revenue Service (IRS) and is not responsible for tax withholding or reporting. To the extent that W–2 or 1099 forms need to be issued, it is the responsibility of the employing office submitting the payment request to do so. The employing office should also consult IRS regulations for guidance in reporting the amount of any back pay award as wages on a W–2 Form.

(g) *Method of Payment.* Section 415(a) Treasury Account payments are made by electronic funds transfer. The Office will issue an electronic payment to the payee's account as specified on the appropriate Section 415(a) Treasury Account form.

(h) *Reimbursement of the Section 415(a) Treasury Account.*

(1) *Members of Congress.* Section 415(d) of the Act requires Members of the House of Representatives and the Senate to reimburse the ''compensatory damages'' portion of a decision, award or settlement for a violation of section 201(a), 206(a), or 207 that the Member is found to have ''committed personally.'' Reimbursement shall be in accordance with the timetable and procedures established by the applicable congressional committee for the withholding of amounts from the compensation of an individual who is a Member of the House of Representatives or a Senator.

(2) *Other Employing Offices.* Section 415(e) of the Act requires employing offices (other than an employing office of the House or Senate) to reimburse awards and settlements paid from the Section 415(a) Treasury Account in connection with claims alleging violations of section 201(a) or 206(a) of the Act.

(A) As soon as practicable after the Executive Director is made aware that a payment of an award or settlement under this Act has been made from the Section 415(a) Treasury Account in connection with a claim alleging a violation of section 201(a) or 206(a) of the Act by an employing office (other than an employing office of the House of Representatives or an employing office of the Senate), the Executive Director will notify the head of the employing office that the payment has been made. The notice will include a statement of the payment amount.

(B) Reimbursement must be made within 180 days after receipt of notice from the Executive Director, and is to be transferred to the Section 415(a) Treasury Account out of funds available for the employing office's operating expenses.

(C) The Office will notify employing offices of any outstanding receivables on a quarterly basis. Employing offices have 30 days from the date of the notification of an outstanding receivable to respond to the Office regarding the accuracy of the amounts in the notice.

(D) Receivables outstanding for more than 30 days from the date of the notification will be noted as such on the Office's public website and in the Office's annual report to Congress on awards and settlements requiring payments from the Section 415(a) Treasury Account.

(3) [reserved]

4. Amend section 9.05 by revising paragraph (b) as follows:

§ 9.05 Revocation, Amendment or Waiver of Rules.

* * * * *

(b) The Board or a Hearing Officer may waive a procedural rule in an individual case for good cause shown if application of the rule is not required by law.

5. Add a new section 9.06 as follows:

§ 9.06 Notices.

(a) All employing offices are required to post and keep posted the notice provided by the Office that:

(1) describes the rights, protections, and procedures applicable to covered employees of the employing office under this Act, concerning violations described in 2 U.S.C. § 1362(b); and

(2) includes contact information for the Office.

(b) The notice must be displayed in all premises of the covered employer in conspicuous places where notices to applicants and employees are customarily posted.

6. Add a new section 9.07 as follows:

§ 9.07 Training and Education Programs.

(a) Not later than 180 days after the date of the enactment of the Reform Act, June 19, 2019, and not later than 45 days after the beginning of each Congress (beginning with the 117th Congress), each employing office shall submit a report both to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate on the implementation of the training and education program required under section 438(a) of the Act.

(b) *Exception for Offices of Congress.*—This section does not apply to any employing office of the House of Representatives or any employing office of the Senate.

APPOINTMENT

THE PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 93–642, appoints the following Senator to be a member of the Board of Trustees of the Harry S Truman Scholarship Foundation: The Honorable BRIAN SCHATZ of Hawaii.

AUTHORIZING TESTIMONY, DOCUMENTS, AND REPRESENTATION IN UNITED STATES V. PRATERSCH

Mr. PORTMAN. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 151, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant bill clerk read as follows:

A resolution (S. Res. 151) to authorize testimony, documents, and representation in United States v. Pratersch.

There being no objection, the Senate proceeded to consider the resolution.

Mr. PORTMAN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 151) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

DISCHARGE AND REFERRAL—S. 846

Mr. PORTMAN. Madam President, I ask unanimous consent that S. 846, the Transit Infrastructure Vehicle Security Act, be discharged from the Committee on Commerce, Science, and Transportation and the bill be referred to the Committee on Banking, Housing, and Urban Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—H.R. 1585

Mr. PORTMAN. Madam President, I understand that there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant bill clerk read as follows:

A bill (H.R. 1585) to reauthorize the Violence Against Women Act of 1994, and for other purposes.

Mr. PORTMAN. Madam President, I now ask for a second reading, and in order to place the bill on the Calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

ORDERS FOR WEDNESDAY, APRIL 10, 2019

Mr. PORTMAN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. on Wednesday, April 10; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, morning business be closed, and the Senate proceed to executive session and resume consideration of the Stanton nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. PORTMAN. Madam President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:58 p.m., adjourned until Wednesday, April 10, 2019, at 9:45 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 9, 2019:

THE JUDICIARY

DANIEL DESMOND DOMENICO, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO.

PATRICK R. WYRICK, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF OKLAHOMA.